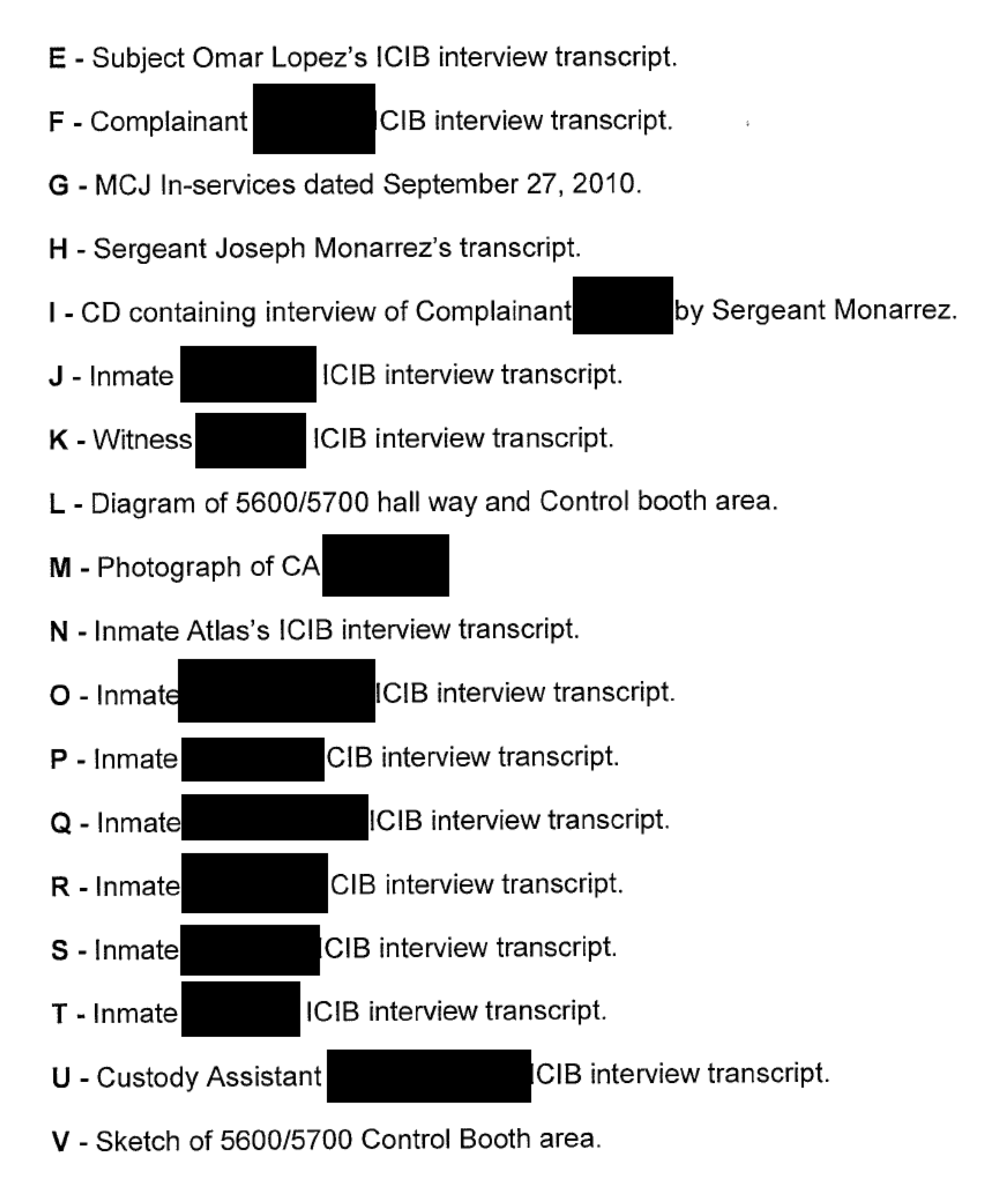
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E - Subject Omar Lopez's ICIB interview transcript.

F - Complainant [redacted] CIB interview transcript.

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I - CD containing interview of Complainant [redacted] by Sergeant Monarrez.

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L - Diagram of 5600/5700 hall way and Control booth area.

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P - Inmate [redacted] CIB interview transcript.

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T - Inmate [redacted] ICIB interview transcript.

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V - Sketch of 5600/5700 Control Booth area.

MISCELLANEOUS DOCUMENTS

- Administrative Rights (Sworn & Non-Sworn) Subjects form (Deputy Lopez).
- Administrative Rights (Sworn & Non-Sworn) Subjects form (Deputy Montez).
- Administrative Rights (Sworn & Non-Sworn) Subjects form (Deputy Pasos).
- Administrative Rights (Sworn & Non-Sworn) Witnesses form (CA [redacted].

- Administrative Rights (Sworn & Non-Sworn) Witnesses Form (CA [redacted].
- Administrative Rights (Sworn & Non-Sworn) Witnesses Form (Sgt. Jones).
- Transcripts of ICIB interviews for Subjects Montez, Pasos, and Witness [redacted]
- SH-R-438P, Use of Force Documentation, file #009-01090-5100-339.
- ICIB Case tracking sheet.
- ICIB Supplemental Report dated March 8, 2011.
- ICIB Supplemental Report dated June 20, 2011.
- Work restriction documentation for CA [redacted]
- E-mail to CA [redacted] ordering that she comply with IAB interview request.
- Request for IAB Investigation and/or Criminal Monitor from ******

Internal Affairs Bureau
Investigative Summary

CASE NUMBER: **IV 2274545**

SUBJECTS: **Omar Lopez, Deputy, #[redacted]**
Mark Montez, Deputy, #[redacted]
Meghan Pasos, Deputy, #[redacted]

UNIT: **Men's Central Jail**

DATE: **September 27, 2010**

LOCATION: **Men's Central Jail (MCJ)**
441 Bauchet Street, Los Angeles, CA 90012

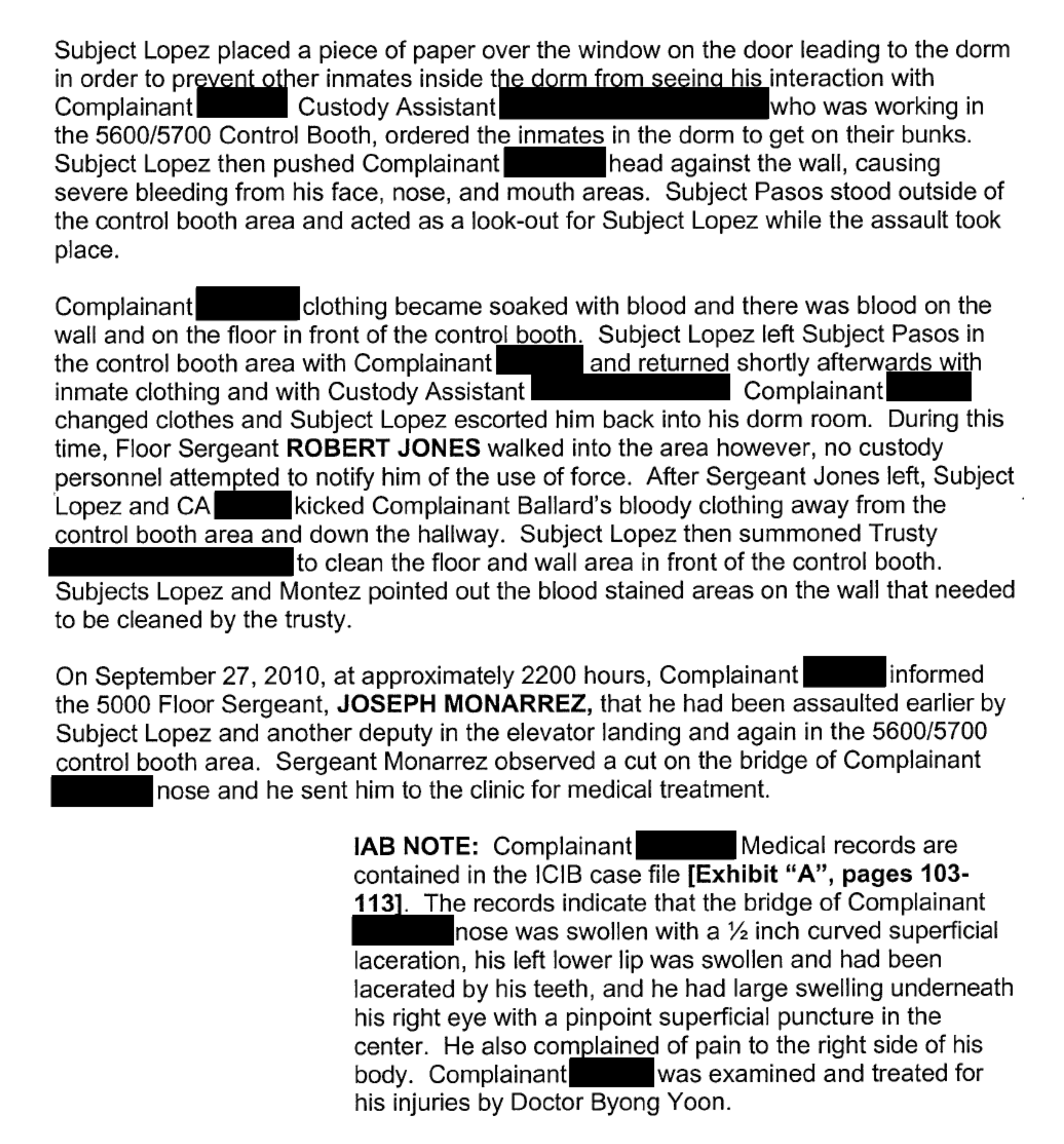
SYNOPSIS:

On September 27, 2010, Witness [redacted] who works for the **"KEEFE"** Commissary Group, was at Men's Central Jail providing food and goods to the inmates. At 1929 hours, shortly before the scheduled pill call for inmates on the 5000 floor, Complainant [redacted] and a second unidentified inmate, stole a bag of food items from her. Witness [redacted] contacted Subjects **MEGHAN PASOS #[redacted]** and informed her of the theft. Subject Pasos subsequently notified Subjects **MARK MONTEZ #[redacted]** and **OMAR LOPEZ #[redacted]** who eventually located Complainant [redacted] and decided to take him to the #9 elevator landing on the 5000 floor. This particular area is out of the jail security camera view. Subjects Montez and Lopez took Complainant [redacted] into the elevator landing and strip searched him while Subject Pasos stood outside the landing as a look-out.

Subject Lopez then struck Complainant [redacted] numerous times in the side of his body and in his face with his fists, while Subjects Montez and Pasos stood as look-outs. After being searched, Complainant [redacted] was ordered to return to his housing area, located in dorm 5700. During the incident in the elevator landing, Complainant [redacted] lost one of his shoes. While en route to his dorm, Complainant [redacted] made contact with Witness [redacted] at which time he accused her of being a "snitch" in an attempt to intimidate her. Upon his return to his dorm area, Inmates [redacted] and [redacted] observed that Complainant [redacted] had an injury to his face. He also told the other inmates that he had been assaulted by two deputies.

Witness [redacted] notified Subjects Montez and Pasos about the second contact with Complainant [redacted] Subjects Montez and Pasos then notified Subject Lopez, who removed Complainant [redacted] from his dorm room and escorted him to the area in front of the 5600/5700 Control Booth, which is also out of camera view.

Internal Affairs Bureau
Investigative Summary



Subject Lopez placed a piece of paper over the window on the door leading to the dorm in order to prevent other inmates inside the dorm from seeing his interaction with Complainant [redacted] Custody Assistant [redacted] who was working in the 5600/5700 Control Booth, ordered the inmates in the dorm to get on their bunks. Subject Lopez then pushed Complainant [redacted] head against the wall, causing severe bleeding from his face, nose, and mouth areas. Subject Pasos stood outside of the control booth area and acted as a look-out for Subject Lopez while the assault took place.

Complainant [redacted] clothing became soaked with blood and there was blood on the wall and on the floor in front of the control booth. Subject Lopez left Subject Pasos in the control booth area with Complainant [redacted] and returned shortly afterwards with inmate clothing and with Custody Assistant [redacted] Complainant [redacted] changed clothes and Subject Lopez escorted him back into his dorm room. During this time, Floor Sergeant **ROBERT JONES** walked into the area however, no custody personnel attempted to notify him of the use of force. After Sergeant Jones left, Subject Lopez and CA [redacted] kicked Complainant Ballard's bloody clothing away from the control booth area and down the hallway. Subject Lopez then summoned Trusty [redacted] to clean the floor and wall area in front of the control booth. Subjects Lopez and Montez pointed out the blood stained areas on the wall that needed to be cleaned by the trusty.

On September 27, 2010, at approximately 2200 hours, Complainant [redacted] informed the 5000 Floor Sergeant, **JOSEPH MONARREZ,** that he had been assaulted earlier by Subject Lopez and another deputy in the elevator landing and again in the 5600/5700 control booth area. Sergeant Monarrez observed a cut on the bridge of Complainant [redacted] nose and he sent him to the clinic for medical treatment.

> **IAB NOTE:** Complainant [redacted] Medical records are contained in the ICIB case file **[Exhibit "A", pages 103-113]**. The records indicate that the bridge of Complainant [redacted] nose was swollen with a ½ inch curved superficial laceration, his left lower lip was swollen and had been lacerated by his teeth, and he had large swelling underneath his right eye with a pinpoint superficial puncture in the center. He also complained of pain to the right side of his body. Complainant [redacted] was examined and treated for his injuries by Doctor Byong Yoon.

Sergeant Monarrez viewed the surveillance cameras of the areas where Complainant Ballard stated the assaults had taken place, and saw that his accusations appeared to be corroborated by the actions of the accused deputies.

Internal Affairs Bureau
Investigative Summary

When Sergeant Monarrez discovered that neither incident had been reported by the involved Subjects, he notified the on-duty Watch Commander, Lieutenant Tonya Edwards, who in turn notified MCJ Unit Commander Captain Daniel Cruz. Captain Cruz then contacted the Internal Criminal Investigations Bureau (ICIB) and requested that a criminal investigation be conducted. ICIB Sergeant Scott Craig was assigned as the lead investigator.

> **IAB NOTE:** The assault was documented under file number 910-00049-2003-441. **See ICIB Investigation book, Exhibit "A", pages 29-33.**

Sergeant Craig reviewed the surveillance cameras of the areas in question and conducted interviews of all involved parties and witnesses. Complainant [redacted] provided Sergeant Craig with a list containing the names of all inmate witnesses. Sergeant Craig also requested that the Los Angeles County Crime Lab conduct an forensic examination of the 5600/5700 Control Booth area.

On September 30, 2010, Crime Lab Senior Criminalist [redacted] recovered a substance identified as human blood from a wall and the baseboard of the wall located directly in front of the 5600/5700 Control Booth at MCJ. The evidence was assigned lab receipt #K248144.

On October 6, 2010, ICIB Sergeant Craig obtained a saliva sample from Complainant [redacted] and submitted it to the Sheriff's Crime Lab for a DNA Comparison. The sample was assigned lab receipt #K257845.

On December 28, 2010, ICIB Sergeant Craig submitted the case to the Los Angeles County District Attorney's Justice System Integrity Division Office for review.

On March 1, 2011, blood from the north wall and the baseboard of the north wall in front of the 5600/5700 Control Booth was analyzed by Sheriff's Crime Lab Supervising Criminalist [redacted] The DNA comparison confirmed that the blood was a match to Complainant [redacted] **[Exhibit "B"].** The comparison was assigned DNA number "D2494" for future reference.

On October 18, 2011, Deputy District Attorney Rosa Alarcon deferred felony charges in this case and referred the matter to the Los Angeles City Attorney's Office for misdemeanor filing consideration.

On February 2, 2012, the Los Angeles City Attorney's Office referred the case to the California State Attorney General's Office for review. The Attorney General's Office subsequently requested that the Justice System Integrity Division review its decision not to file felony charges.

Internal Affairs Bureau
Investigative Summary

On April 16, 2012, the Justice System Integrity Office upheld their original decision not to file felony charges in this case and deferred the case back to the Los Angeles City Attorney's Office for misdemeanor filing consideration. On April 17, 2012, the case was re-submitted to the Los Angeles City Attorney's Office for misdemeanor filing consideration.

On June 14, 2012, Deputy City Attorney Spencer Hart notified ICIB investigators of the City Attorney's decision not to file criminal charges in this case based solely on the fact the case had exceeded the one year time limitation set forth by 802(a) PC.

> **IAB NOTE:** 802(a) PC - "Except as provided in subdivision (b), (c), or (d), prosecution for an offense not punishable by death or imprisonment in the state prison shall be commenced within one year after commission of the offense."

The statute of limitations on this case expired on September 27, 2011. Deputy City Attorney Hart subsequently provided ICIB with a Complaint Screening worksheet **[Exhibit "C"]** dated April 20, 2012. The case was then referred to the Internal Affairs Bureau for administrative disposition on June 14, 2012, and assigned to IAB Sergeant Frederick Reynolds for investigation on July 2, 2012.

INVESTIGATIVE ACTIONS

IAB Sergeant Reynolds reviewed the ICIB casebook prior to reviewing the CD containing the surveillance footage **[Exhibit "D"]**. Based on information contained in the ICIB case book, IAB Sergeant Reynolds made the following observations while viewing the footage:

CAMERA #5: MONITORS 5000 FLOOR HALLWAY

19:29:31: Subjects Lopez and Montez escort Complainant [redacted] into the #9 elevator landing.

19:29:45: Subject Montez steps into hallway from the elevator landing.

19:32:04: Subject Montez leaves the elevator landing.

19:32:42: Subject Montez returns to the elevator landing.

19:35:12: Subject Montez leaves the elevator landing.

19:35:13: Complainant [redacted] leaves the elevator landing and walks into the hallway leading to dorms 5600 and 5700. Complainant [redacted] is seen wearing only one shoe at this time.

CAMERA #9: MONITORS FIRST HALF OF HALLWAY TO 5600 - 5700 DORMS

19:35:18: Complainant [redacted] walks in hallway towards dorms, wearing only one shoe on his left foot.

CAMERA #8: MONITORS SECOND HALF OF HALLWAY TO 5600 - 5700 DORMS

19:36:31: Complainant [redacted] and Witness [redacted] stand near the 5600/5700 Control Booth.

CAMERA #9: MONITORS FIRST HALF OF HALLWAY TO 5600 - 5700 DORMS

19:37:25: Witness [redacted] is in the hallway with Subjects Pasos and Montez.

CAMERA #8: MONITORS SECOND HALF OF HALLWAY TO 5600 – 5700 DORMS

19:37:33: Complainant [redacted] enters dorm 5700 still wearing only one shoe.

CAMERA #9: MONITORS FIRST HALF OF HALLWAY TO 5600 – 5700 DORMS

19:37:42: Subject Pasos is in the hallway with Subjects Lopez and Montez.

19: 38:07: Subject Lopez is seen walking in the hallway towards the dorms.

CAMERA #8: MONITORS SECOND HALF OF HALLWAY TO 5600 – 5700 DORMS

19:39:10: Subject Lopez removes Complainant [redacted] from the 5700 dorm. Complainant [redacted] can be seen wearing one shoe on his left foot.

19:39:11: Subject Lopez escorts Complainant [redacted] to the area in front of the 5600/5700 Control Booth.

19:40:35: Subject Pasos is standing in the hallway outside of the 5600/5700 Control Booth.

19:40:53: Subject Lopez exits the control booth.

19:40:54: Subject Lopez is in the hallway outside of the 5600/5700 Control Booth walking towards the 5700 dorm carrying what appears to be a pair of gloves in his left hand.

19:41:05: Subject Lopez is in the hallway walking back in front of the 5600/5700 Control Booth towards Complainant [redacted]

19:41:39: Subject Pasos exits the control booth area and stands in the hallway in front of the 5600/5700 Control Booth with her back towards Subject Lopez and Complainant [redacted] She remains there until the 19:42:24 mark, for approximately 40 seconds.

19:44:53: Subject Lopez is in the hallway leaving the 5600/5700 Control Booth area.

CAMERA #9: MONITORS FIRST HALF OF HALLWAY TO 5600 – 5700 DORMS

19:45:17: Subject Lopez is in the hallway walking towards the 5000 floor hallway.

CAMERA #5: MONITORS 5000 FLOOR HALLWAY

19:45:20: Subject Lopez enters the 5000 floor hallway leading to the 5600 and 5700 dorm area.

19:46:13: Subject Lopez is in the 5000 floor hallway leading to the 5600 and 5700 dorms.

CAMERA #9: MONITORS FIRST HALF OF HALLWAY TO 5600 – 5700 DORMS

19:46:18: Subject Lopez is in the hallway, followed by Custody Assistant [redacted] They are walking towards dorms 5600/5700. Subject Lopez is carrying what appears to be inmate clothing in his right hand.

CAMERA #8: MONITORS SECOND HALF OF HALLWAY TO 5600 – 5700 DORMS

19:46:40: Subject Lopez is in the hallway, followed by Custody Assistant [redacted] They are returning to the area in front of the 5600/5700 Control Booth. Subject Lopez appears to be carrying inmate clothing in his right hand.

19:49:25: Subject Lopez is in the hallway in front of the 5600/5700 Control Booth escorting Complainant Ballard back to dorm 5700. Complainant [redacted] is wearing only one shoe on his left foot.

19:49:39: Sergeant Robert Jones is in the hallway walking towards the 5600/5700 Control Booth.

19:50:22: Subject Lopez and Custody Assistant [redacted] are in the hallway, in front of the 5600/5700 Control Booth area. They are kicking what appears to be inmate clothing out of the area.

19:51:14: Subject Montez is in the hallway outside of the 5600/5700 Control Booth escorting fourteen inmates. The inmates walk towards the 5600 dorm and out of view.

19:51:41: Subject Lopez is in the hallway returning to the area with Trusty [redacted] who is holding what appear to be a spray bottle and a towel.

19:51:46: Subjects Lopez and Montez are in the hallway directly in front of the 5600/5700 Control Booth gesturing towards the wall.

19:52:01: Subject Lopez is in the hallway outside of the 5600/5700 Control Booth with Trusty [redacted]

19:52:06: Subject Montez is in the hallway leaving towards the 5000 floor hallway.

19:52:27: Subject Lopez is in the hallway leaving towards the 5000 floor hallway.

19:52:33: Trusty [redacted] is seen leaving the area headed towards the 5000 floor hallway.

IAB Investigators saw nothing else of note or investigative value on the surveillance camera.

Internal Affairs Bureau
Investigative Summary

SUBJECT INTERVIEWS

Subject Omar Lopez, #[redacted] was interviewed by IAB Sergeants Frederick Reynolds and Mark Lopez on August 13, 2012, at approximately 1005 hours. Subject Lopez was represented by Attorney Charles Goldwasser. The interview was conducted at the Internal Affairs Bureau Headquarters in interview room "B" and was digitally recorded and later transcribed. The following is a summary of the interview:

> **IAB NOTE:** Subject Lopez was interviewed by ICIB Sergeants Scott Craig and Deborah Tombol on September 28, 2010, at Men's Central Jail. The interview was recorded, and the transcript generated as a result is attached to this investigation for review **[Exhibit "E"].** For the complete written ICIB interview, refer to **Exhibit "A", pages 4-8.**

Subject Lopez stated that on September 27, 2010, he was working at MCJ assigned to the 5000 floor. He was assisting with pill call in the hallway when Subject Pasos approached him and advised him that Complainant [redacted] had stolen from the store. He and Subject Pasos then went and spoke with Witness [redacted] about the incident. [redacted] told the subjects what had occurred and gave a description of the inmate who stole from her. Subjects Pasos and Lopez then walked through the hallway and noticed Complainant [redacted] with his pants tucked into his socks. After telling him to take his trousers of his socks, Subject Lopez and Subject Pasos continued walking.

Shortly afterwards, Subject Lopez remembered the description provided by Witness [redacted] and believed that Complainant [redacted] was the inmate who had stolen from the store. Subject Lopez told Subject Pasos he was going to go look for Complainant [redacted] but he could not find him. He then asked Subject Montez to assist him with searching for Complainant [redacted] Subjects Lopez and Montez found Complainant [redacted] hiding near the clinic on the main floor of MCJ, and they escorted him back to the 5000 floor.

Subject Lopez stated that the hallway was filled with inmates, so he took Complainant [redacted] to the elevator landing to strip search him because it is "private." While searching him, Subject Lopez stated that Complainant [redacted] tensed up so he "jabbed" Complainant [redacted] once in the side of his stomach with the palm of his right hand. Complainant [redacted] changed his attitude at that point. He admitted to stealing items from the store and apologized. Subject Lopez stated that while he was searching Complainant [redacted] Subject Montez was standing in the area *"keeping an eye on him and for security."*

Subject Lopez stated that he told Complainant [redacted] he was not going to charge him for stealing, and told him not to do it again. Subject Lopez then sent him back to his dorm. Subject Lopez did not report or document this use of force.

Internal Affairs Bureau
Investigative Summary

Subject Lopez stated that Deputy Montez did not use force on the inmate. He does not know if Deputy Montez observed him use force on the inmate. Approximately 5-10 minutes later, Witness [redacted] told him that Complainant [redacted] had tried to intimidate her. Complainant [redacted] frightened her because he accused her of being a "rat." Subject Lopez stated that he and Deputy Pasos went to Complainant [redacted] dorm and pulled him out. Subject Lopez stated he and Complainant [redacted] were standing in the 5600/5700 booth area, and he was talking to him about threatening Witness [redacted] Complainant [redacted] made a "fast movement" towards him, so he grabbed Complainant [redacted] left hand with his left hand and pushed Complainant [redacted] face against the wall with his right hand.

Subject Lopez stated Subject Pasos told him that he *"better handle the paperwork on that."* He stated that he told her, *"Don't worry about it, I will."* Subject Lopez stated she replied, *"Well, you better because you are on your own."*

Subject Lopez told IAB investigators, *"I know it was wrong in doing that. I screwed up. I let my emotions get the better of me. I know I screwed up."* Subject Lopez stated that he panicked when he saw that Complainant [redacted] was bleeding as a result of his head being pushed into the wall. He then retrieved a new set of clothing for the inmate and called for a trusty to clean up the blood. Subject Lopez stated that he and the trusty threw the bloody clothing into the trash, but he does not know where the clothing eventually ended up. When asked if Subject Pasos knew anything about the discarding of the inmate's bloody clothing, he stated that he does not know. Subject Lopez stated Subject Pasos "might have been present" when he asked the trusty to throw away the clothing and when the trusty cleaned off the wall. Subject Lopez stated that he was not sure if Subject Montez was present when the trusty cleaned the wall.

Subject Lopez viewed the surveillance video, camera 8, which depicts the booth area and hallway leading into the 5600/5700 dorm area. At the 19:35:38 mark of the video, Subject Lopez identified Complainant [redacted] who is walking with only one shoe on. He stated that he does not know what happened to Complainant [redacted] other shoe. At the 19:35:36 mark, Subject Lopez identified Complainant [redacted] leaning against the wall. Complainant [redacted] appears to say something to the store attendant. At the 19:37:38 mark, Complainant [redacted] and another inmate enter Dorm 5600/5700.

At the 19:38:27 mark, Subject Lopez identifies himself walking down the hallway en route to pulling Complainant [redacted] from his dorm. He stated this is shortly after speaking with Subject Pasos about Inmate Ballard's encounter with Witness [redacted]

At the 19:38:33 mark, Subject Lopez entered the control booth area. He stated that he is not sure why he went inside the booth instead of into the dorm. At the 19:39:05 mark, Subject Lopez is seen walking towards the inmate dorm door. He stated that he walked to the dorm to call Complainant [redacted] out.

At the 19:39:10 mark, Subject Lopez stated that he is escorting Complainant [redacted] to the corridor of the hallway in order to talk to him. He stated that he took him over so that no one could come behind him.

At the 19:40:35 mark, Subject Pasos enters the video frame. Subject Lopez stated that up until that point, he was just talking to Complainant [redacted] At the 19:40:42 mark, Subject Pasos enters the booth area and is out of camera view. Subject Lopez stated that he is still just talking to Complainant [redacted] at that point. He stated that he did not tell Subject Pasos anything and she did not ask him anything upon her entering the control booth.

At the 19:40:51 mark, Subject Lopez walks out of the control booth area. He walks into the dorm room area. At the 19:41:04 mark, Subject Lopez returns to the booth area. At the 19:41:29 mark, another male deputy is seen on video. Subject Lopez stated that he does not know who the deputy is, but stated that the deputy is shorter than he is. At the 19:41:29 mark, Subject Pasos is seen again. She is seen going back into the booth area at the 19:42:35 mark. He stated that he is still inside the control booth area with Complainant [redacted] At the 19:42:42 mark, Subject Pasos is seen "lingering" around in the hallway just outside of the control booth area. He stated that she is standing there in order to provide security in case Complainant [redacted] attacked him.

Subject Lopez stated that he does not recall if he had assaulted the inmate at this point. At the 19:44:55 mark, Subject Lopez exits the control booth area and walks down the hallway in order to get Trusty [redacted] He stated that he "believes" that he left Inmate [redacted] in the control booth area by himself, although it is not common to leave inmates unattended after having an altercation with them. Subject Lopez is wearing gloves at this point in the video. He stated that it is common for deputy personnel to wear gloves when searching inmates. Subject Lopez stated that he was going to get the trusty to have him clean Complainant [redacted] blood from the wall. When asked why he walked away from Complainant [redacted] and left him alone, Subject Lopez stated, "He's (Lopez) probably still upset, and it's a good time to get away from him ([redacted])."

Subject Lopez stated that there is someone in the control booth at all times, but he does not recall telling anyone to keep an eye on Complainant [redacted] when he walked away. Subject Lopez stated that Complainant [redacted] was in the process of changing his clothing.

Subject Lopez stated that when he walked away from Complainant [redacted] he did not feel threatened, because Inmate [redacted] had blood coming from his nose and had become apologetic toward him and stated that he was, "sorry." Subject Lopez stated that he does not recall where Subject Montez was at this point. He stated that he does not remember calling anyone on his radio as he was walking down the hallway. At the 19:46:40 mark, Subject Lopez identified himself and CA [redacted] He stated that

he was carrying a pair of boxer shorts and an undershirt at the time in order to give them to Complainant [redacted]

Subject Lopez identifies himself and CA [redacted] as subsequently walking into the control booth area. Subject Lopez stated that he did not ask CA [redacted] to accompany him into the booth area. He stated that when he and CA [redacted] went into the booth area, Inmate [redacted] was still there and in the process of changing his clothing. Subject Lopez stated that he does not recall if there were any other deputies in the booth at the time. At the 19:49:20 mark, Subject Lopez identifies himself and Complainant [redacted] walking back to dorm 5700. Complainant [redacted] is completely dressed at that point in a fresh jail blue uniform. Subject Lopez stated that the clean set of blues could have come from the control booth, because spare clothing is sometimes kept there.

At the 19:49:39 mark. Subject Lopez identifies the on-duty floor sergeant as walking into camera view. He stated that he never attempted to report the use of force to him. At the 19:50:13 mark, CA [redacted] appears on camera again. Subject Lopez stated that [redacted] is still doing security checks. At the 19:50:20 mark, Subject Lopez identifies clothing on the floor as Complainant [redacted] blood stained clothing. He and CA [redacted] kick the clothing down the hallway until the 19:50:27 mark. Subject Lopez stated that he kicked the clothing because they were bloody and he did not want to touch them.

Subject Lopez stated that he did not tell CA [redacted] about what happened with Inmate [redacted] He stated that he does not believe CA [redacted] knew the clothing was stained with blood, and he did not tell her. Subject Lopez stated that he would normally tell a fellow employee if there were a potential contamination risk present, and stated that he might have told CA [redacted] in this case but he does not recall. Subject Lopez stated that he believes he threw the bloody clothing away in a trash can in the 5000 floor hallway, but he does not remember.

At the 19:51:08 mark, a line of inmates enters the hallway. Subject Lopez stated that the inmates were most likely returning from pill call. At the 19:51:15 mark, Subject Lopez identifies Subject Montez escorting inmates into the booth area leading into the other dorm. The inmates have all entered the dorm area by the 19:51:34 mark. At the 19:51:39 mark, Subject Lopez identifies Subject Montez and he walking around the corner of the hallway. As he rounds the corner, Subject Lopez held his right arm back as if motioning for someone to halt.

Subject Lopez stated that he was motioning for the trusty to wait. He stated that he does not know why he did that, but Subject Montez and he continued walking towards the control booth.

At the 19:51:43 mark, Complainant [redacted] is at the end of the hallway and Subject Lopez is seen approaching Subject Montez. Subject Lopez stated that he did not tell

Subject Montez about the use of force, or the fact that he had used a trusty to clean blood from the wall. After talking to Subject Montez for 15-20 seconds, at the 19:51:54 mark, Subject Lopez called Complainant [redacted] to him at the 19:51:54 mark. He stated that he does not know why he waited so long to call him, nor does he recall what he and Subject Montez talked about during this time.

At the 19:51:57 mark, the trusty is seen carrying cleaning supplies in his hands. Subject Lopez stated that there was a lot of blood on the wall and he had told the trusty to bring cleaning supplies in order to clean it off.

At the 19:51:58 mark, he identifies himself and Subject Montez standing outside of the control booth area. Subject Lopez stated that he told the trusty to "*Come and clean up this mess.*" Subject Lopez stated that he does not recall if Subject Montez said anything to the trusty. He said he never told Subject Montez about the blood on the wall, but it was visible. Subject Lopez stated that he does not know if Subject Montez saw the blood on the wall. He does not recall if he told Subject Montez why he called the trusty to clean the wall. Subject Montez walks away from the booth area. He stated that he and the trusty were still inside the booth area and the trusty was cleaning off the wall.

At the 19:53:23 mark, Subject Lopez identifies himself walking out of the control booth area, possibly carrying gloves. At the 19:52:30 mark, the trusty exits the control booth area and both Subject Montez and the trusty walk down the hallway and out of camera view at the 19:52:35 mark.

Subject Lopez stated that he does not remember if CA [redacted] had anything to do with cleaning up the inmate's blood or the clothing exchange. Subject Lopez does not know the name of the trusty who cleaned up the blood and helped get rid of the bloody clothing. Subject Lopez stated that this was the first time he had ever encountered Complainant [redacted] He stated that he did not know him prior to the incidents in question.

Subject Lopez stated that the biggest mistake he has ever made in his career was not reporting this use of force. He stated, *"I wish it never happened."*

Subject Lopez stated that he has been involved in use of force incidents before, and knows that both involved and witness personnel are to report their involvement to a supervisor both orally and in written form. Subject Lopez did not report his use of force in this incident. Subject Lopez stated that he was not in fear of Complainant [redacted] during his encounter with him.

Subject Lopez stated that he believes Sergeant Jones might have walked by after the use of force occurred, but Subject Lopez did not report force to him. He stated that there is "no reason" why he did not report the force.

IAB NOTE: On October 1, 2012 at approximately 1151 hours, IAB Investigator Reynolds conducted a telephonic follow-up interview with Subject Lopez. The interview was monitored by Attorney Charles Goldwasser. The following is a synopsis of the conversation, which was digitally recorded:

Subject Lopez was asked if he knew anything about a piece of computer paper being taped on the window of the doors leading into dorm 5700 on September 27, 2010. He stated that he put the paper over both dorm windows because he did not want the other inmates in the dorm to see him speaking with Complainant [redacted] He stated that this is commonly done by jail personnel to prevent inmates from communicating with each other and for the safety of inmates being talked to by deputies.

Subject Lopez does not recall an inmate by the name of [redacted] nor did he tell any other inmates to assault Complainant [redacted] in order to make it appear as if his injuries were caused by other inmates. Subject Lopez stated that he never told Complainant [redacted] that if he took the "ass-whipping" and did not report it, he would not put a new case on him for stealing. He stated he does not recall the CA in the 5600 and 5700 booth telling the dorm inmates to get on their bunks.

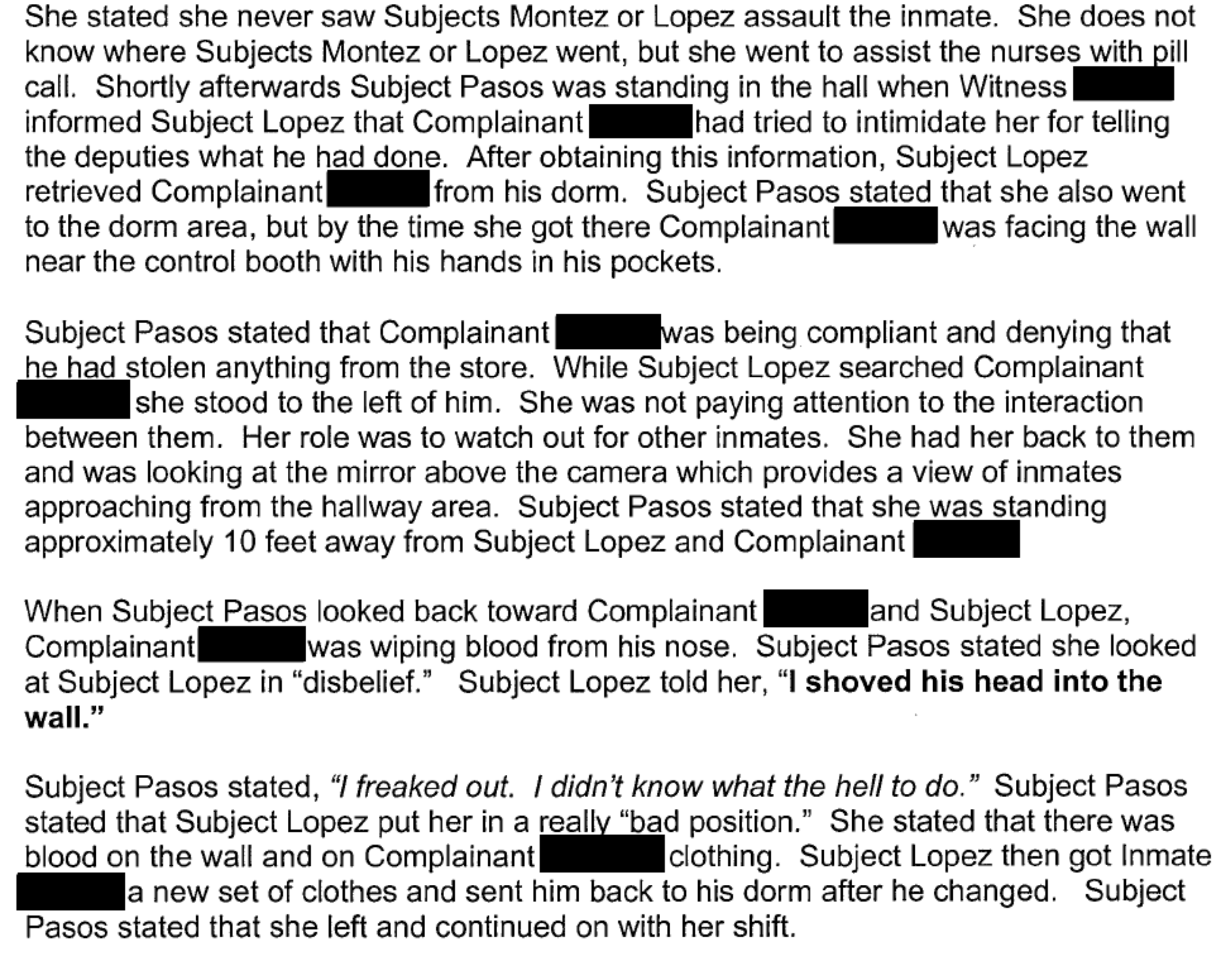
Subject Meghan Pasos, #[redacted] was interviewed by IAB Sergeants Frederick Reynolds and Yolanda Clay on August 10, 2012, at approximately 1147 hours. Subject Pasos was represented by Attorney Deborah Wadleigh of the Law Offices of Green and Shinee. The interview was conducted at the Internal Affairs Bureau headquarters and was digitally recorded and later transcribed. The following is a summary of the interview:

IAB NOTE: On October 5, 2010, ICIB Sergeants Scott Craig and Deborah Tombol attempted to interview Deputy Pasos regarding her role in the incident. She refused to make a statement without legal representation.

Subject Pasos stated that on September 27, 2010, she was informed that Inmate [redacted] had stolen items from Witness [redacted] Subjects Lopez and Montez located Complainant [redacted] and took him to the elevator landing and strip searched him. Subject Pasos does not recall exactly where she was standing when the strip search took place. She stated that she looked into the elevator landing and saw Subject Lopez standing near Complainant [redacted] who was completely naked.

Subject Pasos stated she did not participate in the search, she merely stood outside of the elevator while Subjects Lopez and Montez conducted the search.

Once the strip search was completed, the inmate went back to his housing location.



She stated she never saw Subjects Montez or Lopez assault the inmate. She does not know where Subjects Montez or Lopez went, but she went to assist the nurses with pill call. Shortly afterwards Subject Pasos was standing in the hall when Witness [redacted] informed Subject Lopez that Complainant [redacted] had tried to intimidate her for telling the deputies what he had done. After obtaining this information, Subject Lopez retrieved Complainant [redacted] from his dorm. Subject Pasos stated that she also went to the dorm area, but by the time she got there Complainant [redacted] was facing the wall near the control booth with his hands in his pockets.

Subject Pasos stated that Complainant [redacted] was being compliant and denying that he had stolen anything from the store. While Subject Lopez searched Complainant [redacted] she stood to the left of him. She was not paying attention to the interaction between them. Her role was to watch out for other inmates. She had her back to them and was looking at the mirror above the camera which provides a view of inmates approaching from the hallway area. Subject Pasos stated that she was standing approximately 10 feet away from Subject Lopez and Complainant [redacted]

When Subject Pasos looked back toward Complainant [redacted] and Subject Lopez, Complainant [redacted] was wiping blood from his nose. Subject Pasos stated she looked at Subject Lopez in "disbelief." Subject Lopez told her, **"I shoved his head into the wall."**

Subject Pasos stated, *"I freaked out. I didn't know what the hell to do."* Subject Pasos stated that Subject Lopez put her in a really "bad position." She stated that there was blood on the wall and on Complainant [redacted] clothing. Subject Lopez then got Inmate [redacted] a new set of clothes and sent him back to his dorm after he changed. Subject Pasos stated that she left and continued on with her shift.

> **IAB NOTE:** At that point in the interview, Subject Pasos began weeping and lost her composure. IAB Investigators interrupted the interview and went off the record to allow Subject Pasos time to compose herself.

Upon going back on the record, Subject Pasos stated that after Subject Lopez told her he had shoved Complainant [redacted] head into the wall, she stated: *"Dude, I didn't – I didn't do this. Why did you even have to tell me? Like if this was something you were going to do, then keep that shit to yourself." I honestly wanted to close my eyes and act like I didn't see shit. I didn't want to know anything. I just wanted to get out of there."*

Subject Pasos stated that no one ever threatened her or tried to prevent her from reporting the incident. Subject Pasos was worried about being labeled a "snitch" so she decided to "keep her mouth shut." She stated, *"I kick myself in the ass every day 'cause I'd much rather have that label than be in the position I'm in."* Subject Pasos stated that

she did not report the incident to a supervisor nor did she write a report. When asked why she stated, *"I've never been put in that situation before. I actually – I don't even think I was involved in force ever before this incident had occurred and, you know, I just -- I figured, you know, I just didn't see it. I don't want to know about it. "I thought that if I stepped above him, and reported it, I was going to be ratting on him and I was afraid of the repercussions of ratting on him with my partners. I just didn't report it. I don't have an excuse."*

Subject Pasos stated that neither she nor Subjects Montez or Lopez ever discussed retrieving the inmate from the dorm after Witness [redacted] told them that Complainant [redacted] tried to intimidate her. Subject Lopez "took the initiative," and she just followed. Subject Pasos does not recall seeing Custody Assistant [redacted] during or after the incident, nor does does she recall seeing Subject Montez.

> **IAB NOTE:** Subject Pasos was shown video footage from camera number 8 dated September 27, 2010. The camera shows the hallway leading to the 5600 and 5700 dorm booth.

At 19:40:35, Subject Pasos identified herself standing in the hallway. She stated that she was essentially a lookout while Subject Lopez was searching Complainant [redacted] At 19:40:41, Subject Pasos walks into the booth area. At 19:40:53, a figure is seen walking out of the booth area. Subject Pasos could not identify this person. At 19:41:39, Subject Pasos identified herself as walking out of the booth area. At 19:41:40, Subject Pasos stated that Subject Lopez is now searching the inmate and she is approximately 5 feet away. At 19:42:30, Subject Pasos stated that she walked back into the booth at which point she saw Complainant [redacted] bleeding.

At 19:44:52, she identified Subject Lopez as the person exiting the booth. At 19:44:58, Subject Lopez walked out of camera view. Subject Pasos stated that she does not know where he went. Subject Pasos stated that she does not remember if she stayed with the inmate after Subject Lopez left.

At 19:46:39, Subject Pasos identified Subject Lopez walking down the hallway and carrying an unknown item in his hand. She identified CA [redacted] as walking with Subject Lopez. At 19:46:52, Subjects Lopez and CA [redacted] entered the booth area. Subject Pasos stated she does not remember if she was still in the booth area when they entered. At 19:50:26, Subject Lopez and CA [redacted] walked out of the booth and down the hallway.

> **IAB NOTE:** On October 1, 2012, at approximately 1113 hours, IAB Investigator Reynolds conducted a telephonic follow-up interview with Subject Pasos. The interview was monitored by Attorney Deborah Wadleigh of the Law Firm of

Green and Shinee. The following is a synopsis of the conversation, which was digitally recorded:

Subject Pasos was asked about the white piece of paper covering the window of Dorm 5600/5700. She stated that she does not recall seeing any paper covering a window, but also stated that it is not uncommon. Subject Pasos stated custody personnel will put paper over dorm windows in order to prevent inmates from being alerted that deputies are about to conduct a search of their dorm. Subject Pasos stated that the inmates also try and communicate through the windows by using sign language, and placing paper over the window prevents this.

Subject Mark Montez, #[redacted] was interviewed by IAB Sergeants Frederick Reynolds and Yolanda Clay on August 10, 2012, at approximately 1020 hours. Subject Montez was represented by Attorney Debra Wadleigh of the Law Firm of Green and Shinee. The interview was conducted at the Internal Affairs Bureau Headquarters in interview room "B" and was digitally recorded and later transcribed. The following is a summary of the interview:

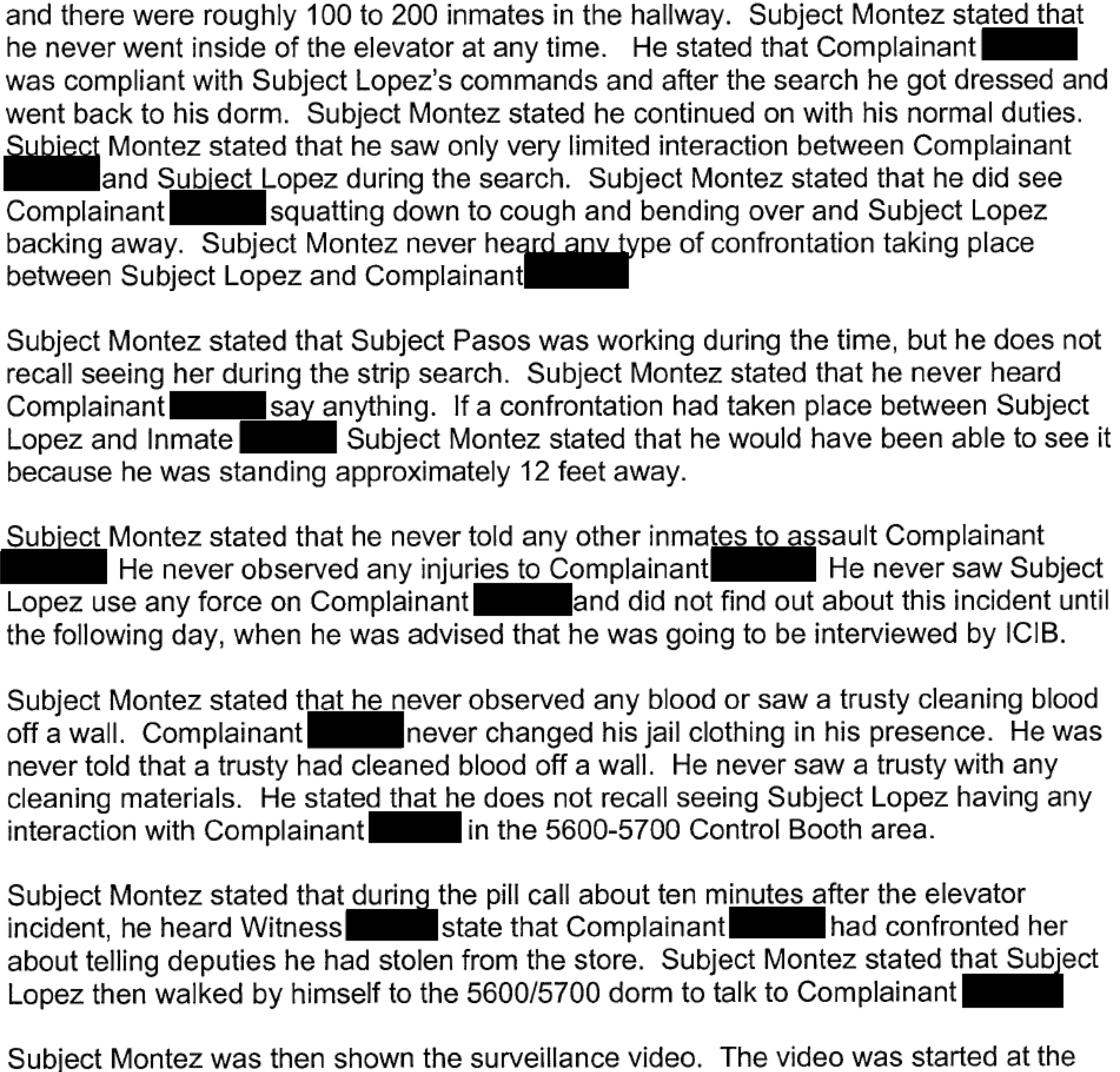
IAB NOTE: On October 5, 2010, ICIB Sergeant Scott Craig attempted to interview Deputy Montez regarding his role in the incident. He refused to make a statement without legal representation.

Subject Montez stated that on September 27, 2010, he was informed that Inmate [redacted] had stolen from Witness [redacted] He located Complainant [redacted] in the clinic area. Subject Montez stated that he asked Complainant [redacted] to accompany him to the 5000 floor so that he could talk to him. Subject Montez stated that Complainant [redacted] was very compliant.

When they got back to the main hallway, Subject Montez stated that he and Deputy Lopez decided they needed to strip search Complainant [redacted] to look for the stolen property and/or other contraband.

Subject Montez stated that he and Subject Lopez took Complainant [redacted] to the elevator landing area because custody personnel are not to strip search an inmate in the presence of other inmates that are not being strip searched. Subject Montez stated that Subject Lopez assumed command of the strip search. While Subject Lopez was searching Complainant [redacted] Subject Montez stated that he took a position where he could face towards the outside of the elevator.

Subject Montez stated that he did this in order to warn Subject Lopez in case a female employee approached them. Subject Montez also stated that he wanted to provide safety for Subject Lopez during the search because the search occurred during pill call,



and there were roughly 100 to 200 inmates in the hallway. Subject Montez stated that he never went inside of the elevator at any time. He stated that Complainant [redacted] was compliant with Subject Lopez's commands and after the search he got dressed and went back to his dorm. Subject Montez stated he continued on with his normal duties. Subject Montez stated that he saw only very limited interaction between Complainant [redacted] and Subject Lopez during the search. Subject Montez stated that he did see Complainant [redacted] squatting down to cough and bending over and Subject Lopez backing away. Subject Montez never heard any type of confrontation taking place between Subject Lopez and Complainant [redacted]

Subject Montez stated that Subject Pasos was working during the time, but he does not recall seeing her during the strip search. Subject Montez stated that he never heard Complainant [redacted] say anything. If a confrontation had taken place between Subject Lopez and Inmate [redacted] Subject Montez stated that he would have been able to see it because he was standing approximately 12 feet away.

Subject Montez stated that he never told any other inmates to assault Complainant [redacted] He never observed any injuries to Complainant [redacted] He never saw Subject Lopez use any force on Complainant [redacted] and did not find out about this incident until the following day, when he was advised that he was going to be interviewed by ICIB.

Subject Montez stated that he never observed any blood or saw a trusty cleaning blood off a wall. Complainant [redacted] never changed his jail clothing in his presence. He was never told that a trusty had cleaned blood off a wall. He never saw a trusty with any cleaning materials. He stated that he does not recall seeing Subject Lopez having any interaction with Complainant [redacted] in the 5600-5700 Control Booth area.

Subject Montez stated that during the pill call about ten minutes after the elevator incident, he heard Witness [redacted] state that Complainant [redacted] had confronted her about telling deputies he had stolen from the store. Subject Montez stated that Subject Lopez then walked by himself to the 5600/5700 dorm to talk to Complainant [redacted]

Subject Montez was then shown the surveillance video. The video was started at the 19:51:16 mark. Subject Montez identifies himself leaning on the wall next to the door leading to the 5700 dorm. At the 19:51:24 mark, Subject Montez identifies himself providing security during inmate pill call.

At the 19:51:41 mark, Subject Montez is asked to identify the deputy who enters camera view. He stated that he could not say for sure who the deputy is. He is also asked to identify the inmate, and stated that he believes it is a trusty.

At the 19:51:46 mark, a deputy is seen standing next to Subject Montez. He stated that he does not know who the deputy is. He stated that he does not recall what he was

talking to the deputy about.

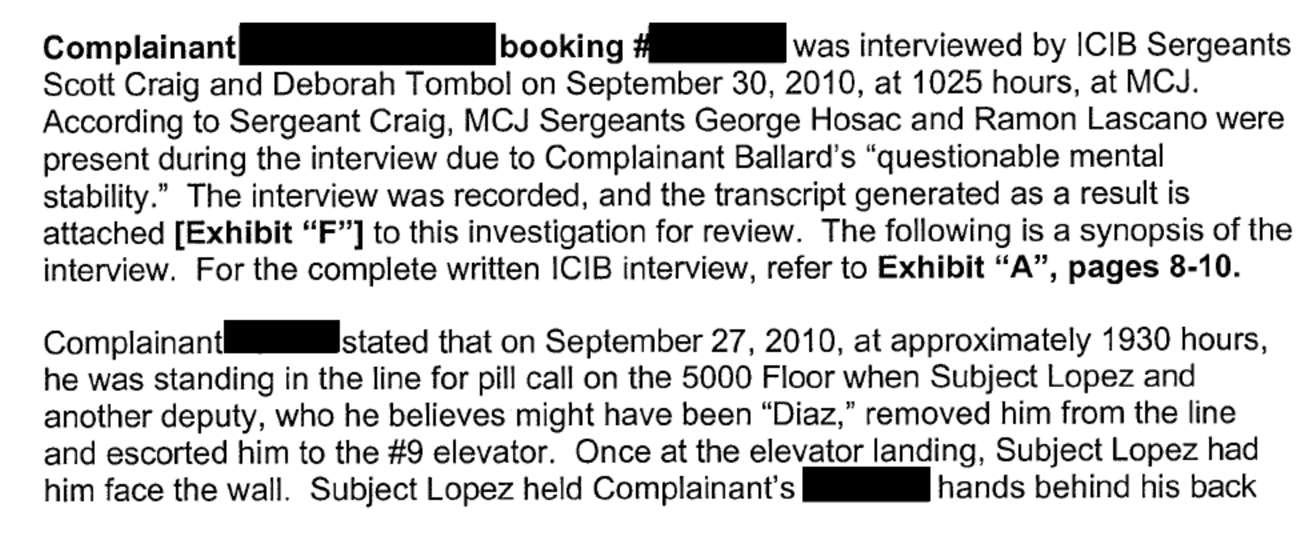
At the 19:51:57 mark, Subject Montez identifies an inmate worker (trusty) as entering the camera. The trusty was carrying a rag and a bottle in his hands. He stated that inmates carry rags and bottles in order to "spot" clean the facility during the shift. Subject Montez stated that he does not know why the trusty was walking toward him carrying cleaning materials. He stated that he did not summon the trusty to the area.

At the 19:51:59 mark, Subject Montez is asked to identify the deputy he is standing next to having a conversation with. He stated that he cannot recognize who the deputy is. He stated that he does not know what they are talking about.

At the 19:52:02 mark, Subject Montez identifies himself and an inmate who walked past him and the unidentified deputy he was talking to. At the 19:52:08 mark, Subject Montez walked out of camera view. He stated that he does not know where he went or what he did after he left.

> **IAB NOTE:** Despite the fact that every other witness or subject who viewed this surveillance tape was able to identify Subject Lopez whenever he appeared on camera, Subject Montez never identified Subject Lopez at any time.

Subject Montez stated that Subject Lopez never asked him to assist in covering up the use of force, or that blood had to be cleaned from the wall. Subject Montez stated that he never gave an inmate worker any instructions to clean blood from the wall. He stated that he never saw any blood on the wall in the 5600/5700 dorm area.



COMPLAINANT INTERVIEW

Complainant [redacted] **booking #** [redacted] was interviewed by ICIB Sergeants Scott Craig and Deborah Tombol on September 30, 2010, at 1025 hours, at MCJ. According to Sergeant Craig, MCJ Sergeants George Hosac and Ramon Lascano were present during the interview due to Complainant Ballard's "questionable mental stability." The interview was recorded, and the transcript generated as a result is attached **[Exhibit "F"]** to this investigation for review. The following is a synopsis of the interview. For the complete written ICIB interview, refer to **Exhibit "A", pages 8-10.**

Complainant [redacted] stated that on September 27, 2010, at approximately 1930 hours, he was standing in the line for pill call on the 5000 Floor when Subject Lopez and another deputy, who he believes might have been "Diaz," removed him from the line and escorted him to the #9 elevator. Once at the elevator landing, Subject Lopez had him face the wall. Subject Lopez held Complainant's [redacted] hands behind his back

with his fingers interlaced and punched Complainant [redacted] once on the right side of the face and six times in the right rib cage area while the second deputy stood there.

> **IAB NOTE:** The MCJ PM shift 5000 floor in-service dated September 27, 2010 **[Exhibit "G"]**, does not list a Deputy "Diaz" as working. Subjects Lopez, Pasos, and Montez are listed as working that shift, however. Based on interviews conducted during this investigation and on Subject Montez's admission that he was present during the strip search in the elevator landing, the second deputy mentioned by Complainant [redacted] shall be referenced as Subject Montez.

Complainant [redacted] stated that Subject Lopez told him to take off all his clothing and to squat and cough. After that, Subject Lopez told him to get dressed and go back to his dorm. During the time that Subject Lopez was beating him, Complainant [redacted] stated that Subject Montez was just standing there. Complainant [redacted] does not know if Subject Montez struck him also, because his back was turned. After Complainant [redacted] got dressed, he only had one shoe. He stated that he lost his other shoe while being hit by Subject Lopez.

Complainant [redacted] stated that while returning to dorm 5700, he saw Witness [redacted] and confronted her about reporting him for stealing. He then returned to his dorm. After three or four minutes, Complainant [redacted] stated that he saw Subject Lopez inside the 5600/5700 Control Booth. Complainant [redacted] stated that the booth was manned by a female CA who was wearing glasses and a green uniform. Subject Lopez called Complainant [redacted] out of the dorm and told him to stand facing the wall. Subject Lopez then covered the windows leading to dorms 5600 and 5700 with blank computer paper to prevent any inmates from looking outside the dorm.

Complainant [redacted] stated that Subject Lopez had him interlace his fingers behind his back and spread his legs. Subject Lopez then said, *"You fucked up now. I'm gonna' beat you"*, before pushing Complainant [redacted] face into the wall. He started bleeding and Subject Lopez had a trusty bring him a new set of clothing so he could change. Subject Lopez told Complainant [redacted] that if he *"took this ass whipping,"* he would make sure that he did not get prosecuted for stealing. Complainant [redacted] then changed clothes and Subject Lopez sent him back to his dorm.

> **IAB NOTE:** Complainant [redacted] provided the ICIB Investigators with the names of all inmates witnesses interviewed during this investigation.

Complainant [redacted] stated that in July of 2009, Subject Lopez and another deputy "beat" him on the 2000 floor and put him in the hole.

IAB NOTE: IAB investigators researched this allegation. The only use of force incident involving Complainant [redacted] occurred on 08/06/09 at MCJ in the 2600/2800 dorm area. The involved deputies were [redacted] #[redacted] and [redacted] #[redacted] The incident is documented under file number 009-01090-5100-339 (Included in this case file under **"Miscellaneous Documents"**).

WITNESS INTERVIEWS

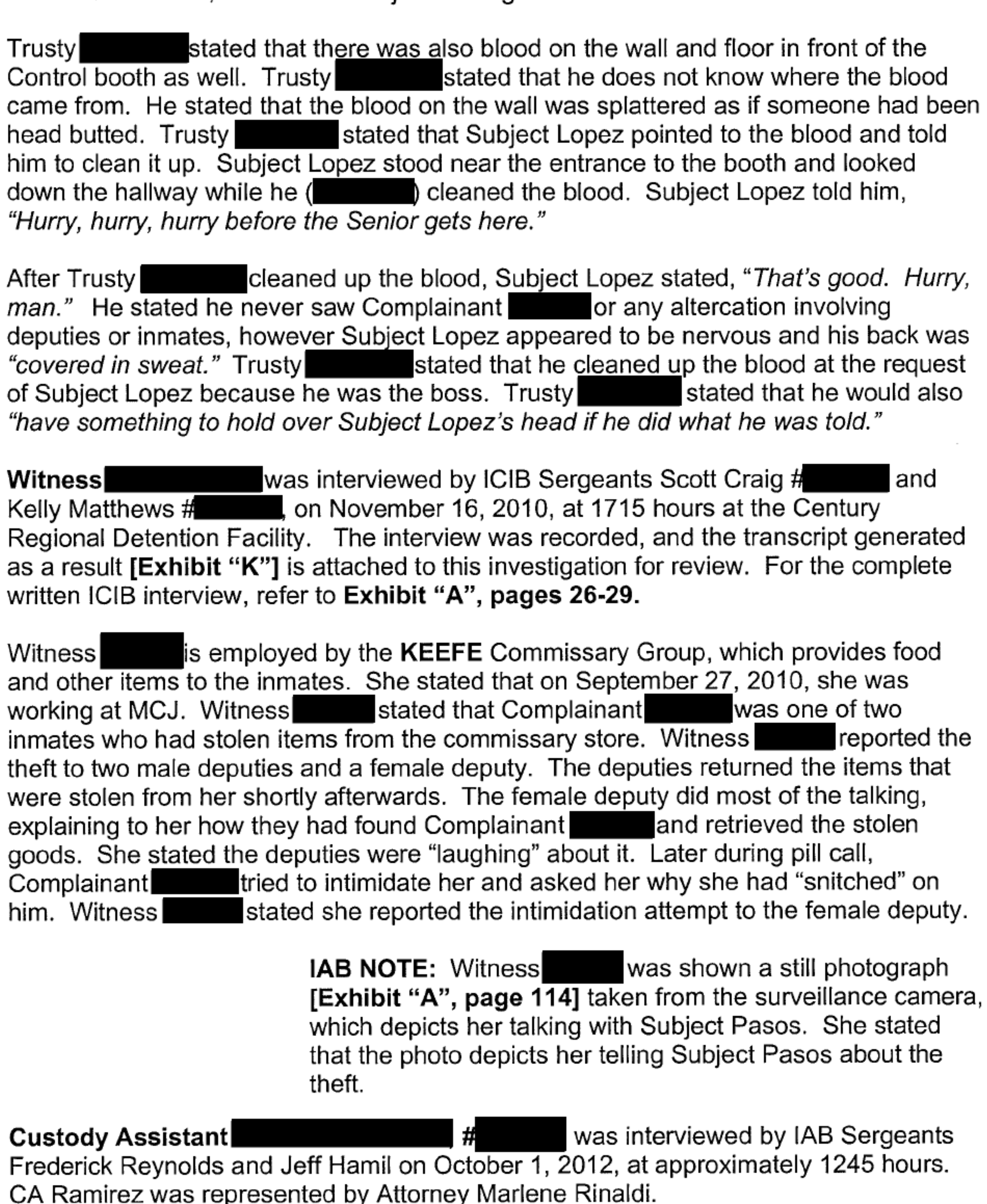
Sergeant Joseph Monarrez, #[redacted] was interviewed by ICIB Sergeants Scott Craig and John Kniest on November 24, 2010, at 0420 hours at Men's Central Jail. The interview was recorded on CD **[Exhibit "H"]**, and the transcript generated as a result **[Exhibit "I"]** is attached to this investigation for review. The following is a synopsis of ICIB's interview. For the complete written ICIB interview, refer to **Exhibit "A", pages 29-31.**

On September 28, 2010, Sergeant Monarrez was assigned as the 5000 Floor Sergeant on the Early Morning Shift at MCJ. Between 2200 and 2215 hours, Custody Assistant [redacted] who was working in the 5600/5700 Control Booth, told him that an inmate in the 5700 dorm needed to speak to someone. He and CA [redacted] contacted the inmate, identified as Complainant [redacted] He had a cut on his nose and told Sergeant Monarrez that he had been assaulted by deputies, one of whom he identified as Subject Lopez.

Complainant [redacted] told Sergeant Monarrez that he had been walking from pill call in the 5000 hallway when Subject Lopez and another deputy took him to the #9 Elevator Landing at which time Subject Lopez punched him in the body. Complainant [redacted] returned to his dorm and a few minutes later, Subject Lopez removed him from the dorm and walked him to the area in front of the 5600/5700 Control Booth, out of the view of the surveillance camera. Subject Lopez then pushed Complainant [redacted] head into the wall. Complainant [redacted] told Sergeant Monarrez that his clothing was so bloody, the deputies brought him a fresh set of clothing.

Trusty [redacted] **booking #**[redacted] was interviewed by ICIB Sergeants Moore and Hall on October 20, 2010, at North Kern State Prison. The interview was recorded, and the transcript generated as a result **[Exhibit "J']** is attached to this investigation for review. The following is a summary of the ICIB interview. For the complete written ICIB interview, refer to **Exhibit "A", pages 20-21.**

On September 27, 2010, he was a trusty assigned to work the 5000 hallway. During pill call, Subject Lopez told him to gather some cleaning materials. Trusty [redacted] stated that he got a cleaning bottle and a towel. When he arrived at the 5600/5700



control booth area, there was blue jail clothing on the floor "soaked with blood."

Trusty [redacted] stated that there was also blood on the wall and floor in front of the Control booth as well. Trusty [redacted] stated that he does not know where the blood came from. He stated that the blood on the wall was splattered as if someone had been head butted. Trusty [redacted] stated that Subject Lopez pointed to the blood and told him to clean it up. Subject Lopez stood near the entrance to the booth and looked down the hallway while he ([redacted]) cleaned the blood. Subject Lopez told him, *"Hurry, hurry, hurry before the Senior gets here."*

After Trusty [redacted] cleaned up the blood, Subject Lopez stated, "*That's good. Hurry, man.*" He stated he never saw Complainant [redacted] or any altercation involving deputies or inmates, however Subject Lopez appeared to be nervous and his back was *"covered in sweat."* Trusty [redacted] stated that he cleaned up the blood at the request of Subject Lopez because he was the boss. Trusty [redacted] stated that he would also *"have something to hold over Subject Lopez's head if he did what he was told."*

Witness [redacted] was interviewed by ICIB Sergeants Scott Craig #[redacted] and Kelly Matthews #[redacted], on November 16, 2010, at 1715 hours at the Century Regional Detention Facility. The interview was recorded, and the transcript generated as a result **[Exhibit "K"]** is attached to this investigation for review. For the complete written ICIB interview, refer to **Exhibit "A", pages 26-29.**

Witness [redacted] is employed by the **KEEFE** Commissary Group, which provides food and other items to the inmates. She stated that on September 27, 2010, she was working at MCJ. Witness [redacted] stated that Complainant [redacted] was one of two inmates who had stolen items from the commissary store. Witness [redacted] reported the theft to two male deputies and a female deputy. The deputies returned the items that were stolen from her shortly afterwards. The female deputy did most of the talking, explaining to her how they had found Complainant [redacted] and retrieved the stolen goods. She stated the deputies were "laughing" about it. Later during pill call, Complainant [redacted] tried to intimidate her and asked her why she had "snitched" on him. Witness [redacted] stated she reported the intimidation attempt to the female deputy.

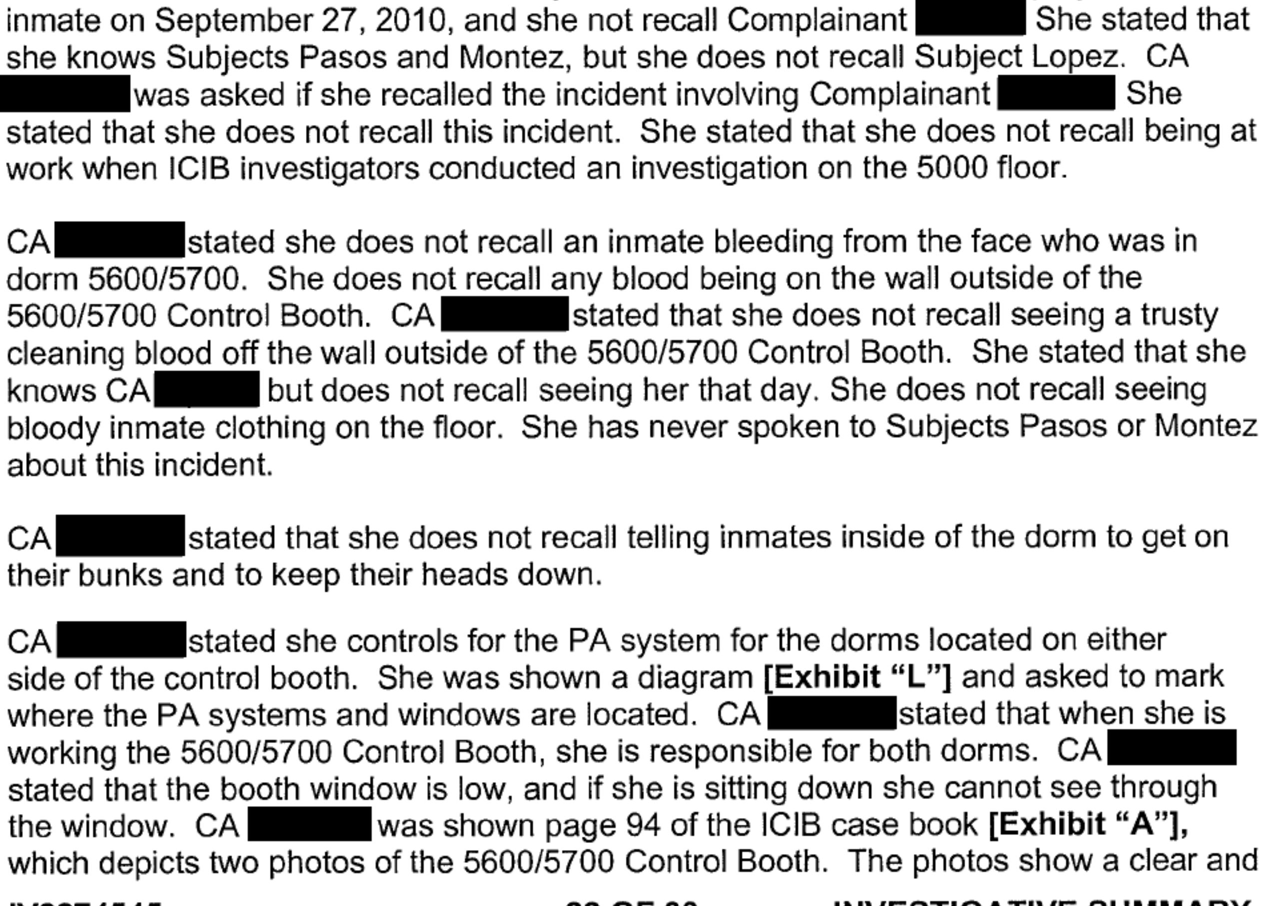
> **IAB NOTE:** Witness [redacted] was shown a still photograph **[Exhibit "A", page 114]** taken from the surveillance camera, which depicts her talking with Subject Pasos. She stated that the photo depicts her telling Subject Pasos about the theft.

Custody Assistant [redacted], #[redacted] was interviewed by IAB Sergeants Frederick Reynolds and Jeff Hamil on October 1, 2012, at approximately 1245 hours. CA Ramirez was represented by Attorney Marlene Rinaldi.

> **IAB NOTE:** IAB investigators were forced to order CA [redacted] to present herself for an interview at IAB Headquarters on October 1, 2012 at 1030 hours, after she failed to schedule an interview or contact IAB investigators for approximately one month after being initially advised to contact IAB investigators for an interview date **(The email ordering her to comply is attached to this case file as a Miscellaneous Document).**

The interview was conducted at the Internal Affairs Bureau Headquarters in interview room "B" and was digitally recorded and later transcribed. The following is a summary of the interview:

> **IAB NOTE:** On October 5, 2010, ICIB Sergeants Scott Craig and Deborah Tombol attempted to interview CA [redacted] regarding the incident. She refused to make a statement without legal representation.



CA [redacted] stated that on September 27, 2010, she was working the 5600/5700 Control Booth. She did not witness any kind of altercation between a deputy and an inmate on September 27, 2010, and she not recall Complainant [redacted] She stated that she knows Subjects Pasos and Montez, but she does not recall Subject Lopez. CA [redacted] was asked if she recalled the incident involving Complainant [redacted] She stated that she does not recall this incident. She stated that she does not recall being at work when ICIB investigators conducted an investigation on the 5000 floor.

CA [redacted] stated she does not recall an inmate bleeding from the face who was in dorm 5600/5700. She does not recall any blood being on the wall outside of the 5600/5700 Control Booth. CA [redacted] stated that she does not recall seeing a trusty cleaning blood off the wall outside of the 5600/5700 Control Booth. She stated that she knows CA [redacted] but does not recall seeing her that day. She does not recall seeing bloody inmate clothing on the floor. She has never spoken to Subjects Pasos or Montez about this incident.

CA [redacted] stated that she does not recall telling inmates inside of the dorm to get on their bunks and to keep their heads down.

CA [redacted] stated she controls for the PA system for the dorms located on either side of the control booth. She was shown a diagram **[Exhibit "L"]** and asked to mark where the PA systems and windows are located. CA [redacted] stated that when she is working the 5600/5700 Control Booth, she is responsible for both dorms. CA [redacted] stated that the booth window is low, and if she is sitting down she cannot see through the window. CA [redacted] was shown page 94 of the ICIB case book **[Exhibit "A"],** which depicts two photos of the 5600/5700 Control Booth. The photos show a clear and

unobstructed view of the area where Subject Lopez and Complainant [redacted] were. CA [redacted] was of the opinion that the view point into the hallway is "limited."

> **IAB NOTE:** On October 3, 2012, Attorney Marlene Rinaldi faxed IAB investigators a seven page **"Work Status Report"** document for CA [redacted] The report indicates that on October 9, 2010, she was diagnosed with a job-related "Acute Right Ankle Sprain." CA [redacted] was placed on "Modified Work Status" from September 14, 2010 through December 27, 2010. Attorney Rinaldi stated that her client was unable to stand for prolonged periods of time while on modified work status, which could have affected her ability to see outside of the control booth. None of this information was ever mentioned during the IAB interview **(The document is included in this file and attached as a Miscellaneous Document)**.

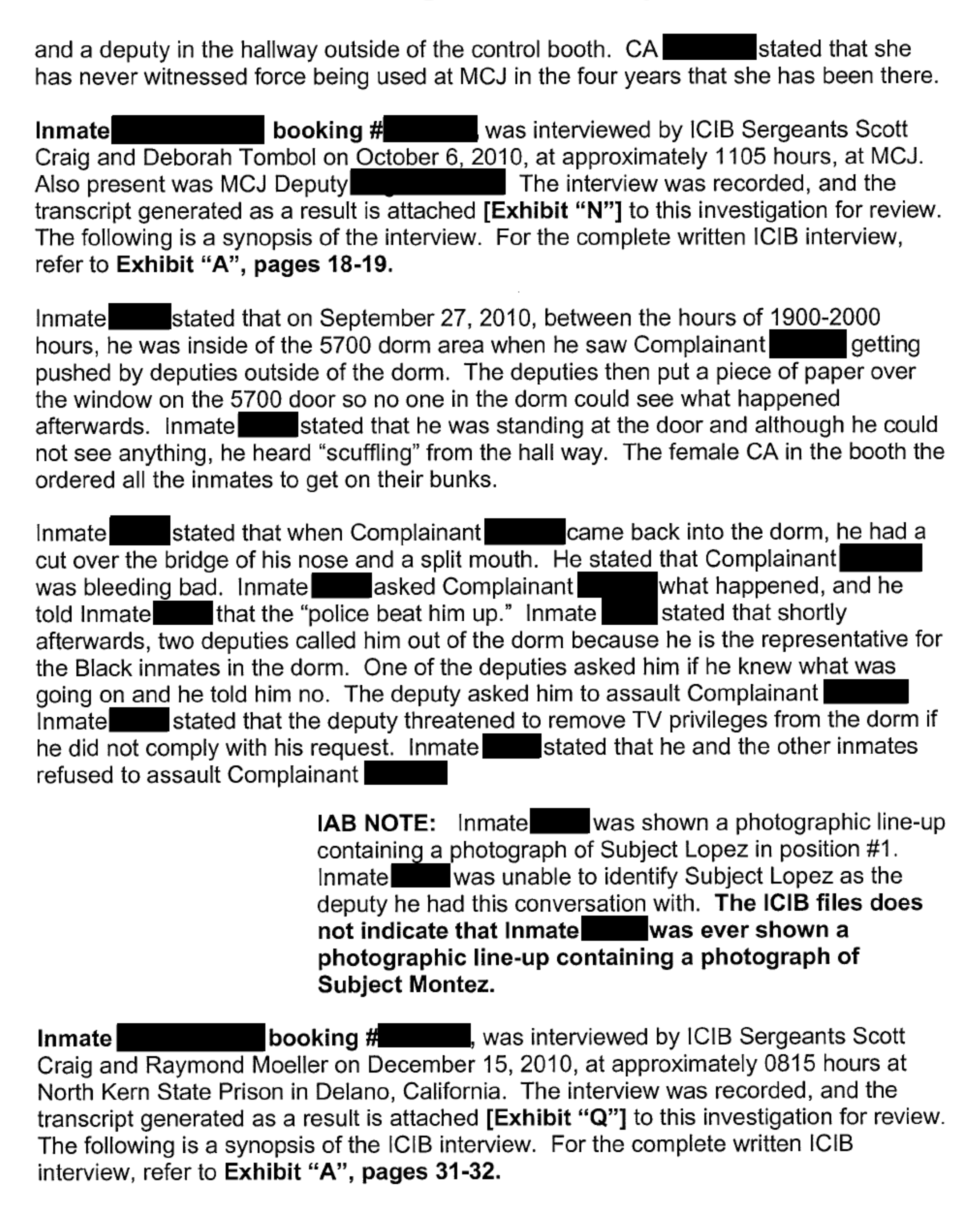
CA [redacted] was asked if not being able to see inmates from a booth designed to control inmates would put custody personnel assigned there at a disadvantage, and she stated that she has *"other views from the control booth."* CA [redacted] was asked if she could use the PA system to order inmates back onto their bunks if an incident was taking place in the hallway outside of the control booth, and she stated yes.

> **IAB NOTE:** CA [redacted] wears glasses, and matches the description given by several witnesses as being the CA in the 5600/5700 Control Booth at the time Complainant [redacted] was assaulted. IAB investigators took a photograph of her during the interview **[Exhibit "M"]**.

CA [redacted] was once again asked about paper being placed over dorm windows and this time she stated that she has seen it happen. She stated that it is done for officer safety reasons. She stated that she has never seen an incident where paper was placed over the windows to prevent the inmates from seeing an altercation between a deputy and another inmate.

> **IAB NOTE:** During the initial stages of the interview, CA [redacted] stated that she does not know of any occasion where jail personnel would put paper over a window. She stated that she has never seen paper placed over the window to prevent inmates inside the dorm from looking out.

CA [redacted] stated that no one ever told her not to discuss an assault that occurred outside the dorm. She did not witness an assault or an altercation between an inmate



and a deputy in the hallway outside of the control booth. CA [redacted] stated that she has never witnessed force being used at MCJ in the four years that she has been there.

Inmate [redacted] booking # [redacted] was interviewed by ICIB Sergeants Scott Craig and Deborah Tombol on October 6, 2010, at approximately 1105 hours, at MCJ. Also present was MCJ Deputy [redacted] The interview was recorded, and the transcript generated as a result is attached **[Exhibit "N"]** to this investigation for review. The following is a synopsis of the interview. For the complete written ICIB interview, refer to **Exhibit "A", pages 18-19.**

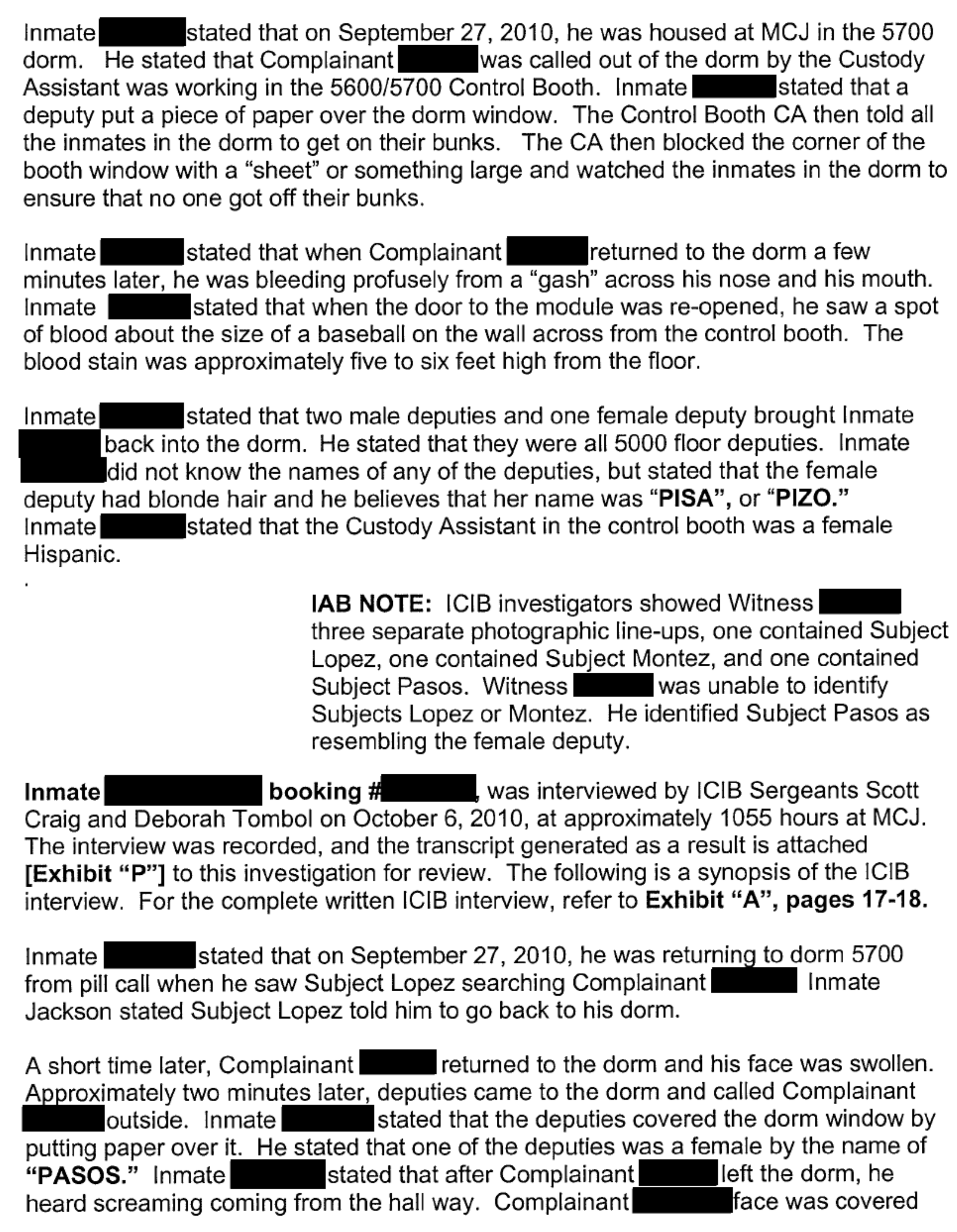
Inmate [redacted] stated that on September 27, 2010, between the hours of 1900-2000 hours, he was inside of the 5700 dorm area when he saw Complainant [redacted] getting pushed by deputies outside of the dorm. The deputies then put a piece of paper over the window on the 5700 door so no one in the dorm could see what happened afterwards. Inmate [redacted] stated that he was standing at the door and although he could not see anything, he heard "scuffling" from the hall way. The female CA in the booth the ordered all the inmates to get on their bunks.

Inmate [redacted] stated that when Complainant [redacted] came back into the dorm, he had a cut over the bridge of his nose and a split mouth. He stated that Complainant [redacted] was bleeding bad. Inmate [redacted] asked Complainant [redacted] what happened, and he told Inmate [redacted] that the "police beat him up." Inmate [redacted] stated that shortly afterwards, two deputies called him out of the dorm because he is the representative for the Black inmates in the dorm. One of the deputies asked him if he knew what was going on and he told him no. The deputy asked him to assault Complainant [redacted] Inmate [redacted] stated that the deputy threatened to remove TV privileges from the dorm if he did not comply with his request. Inmate [redacted] stated that he and the other inmates refused to assault Complainant [redacted]

> **IAB NOTE:** Inmate [redacted] was shown a photographic line-up containing a photograph of Subject Lopez in position #1. Inmate [redacted] was unable to identify Subject Lopez as the deputy he had this conversation with. **The ICIB files does not indicate that Inmate [redacted] was ever shown a photographic line-up containing a photograph of Subject Montez.**

Inmate [redacted] booking # [redacted], was interviewed by ICIB Sergeants Scott Craig and Raymond Moeller on December 15, 2010, at approximately 0815 hours at North Kern State Prison in Delano, California. The interview was recorded, and the transcript generated as a result is attached **[Exhibit "Q"]** to this investigation for review. The following is a synopsis of the ICIB interview. For the complete written ICIB interview, refer to **Exhibit "A", pages 31-32.**

Internal Affairs Bureau
Investigative Summary



Inmate [redacted] stated that on September 27, 2010, he was housed at MCJ in the 5700 dorm. He stated that Complainant [redacted] was called out of the dorm by the Custody Assistant was working in the 5600/5700 Control Booth. Inmate [redacted] stated that a deputy put a piece of paper over the dorm window. The Control Booth CA then told all the inmates in the dorm to get on their bunks. The CA then blocked the corner of the booth window with a "sheet" or something large and watched the inmates in the dorm to ensure that no one got off their bunks.

Inmate [redacted] stated that when Complainant [redacted] returned to the dorm a few minutes later, he was bleeding profusely from a "gash" across his nose and his mouth. Inmate [redacted] stated that when the door to the module was re-opened, he saw a spot of blood about the size of a baseball on the wall across from the control booth. The blood stain was approximately five to six feet high from the floor.

Inmate [redacted] stated that two male deputies and one female deputy brought Inmate [redacted] back into the dorm. He stated that they were all 5000 floor deputies. Inmate [redacted] did not know the names of any of the deputies, but stated that the female deputy had blonde hair and he believes that her name was "**PISA**", or "**PIZO.**" Inmate [redacted] stated that the Custody Assistant in the control booth was a female Hispanic.

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> **IAB NOTE:** ICIB investigators showed Witness [redacted] three separate photographic line-ups, one contained Subject Lopez, one contained Subject Montez, and one contained Subject Pasos. Witness [redacted] was unable to identify Subjects Lopez or Montez. He identified Subject Pasos as resembling the female deputy.

Inmate [redacted] booking #[redacted], was interviewed by ICIB Sergeants Scott Craig and Deborah Tombol on October 6, 2010, at approximately 1055 hours at MCJ. The interview was recorded, and the transcript generated as a result is attached **[Exhibit "P"]** to this investigation for review. The following is a synopsis of the ICIB interview. For the complete written ICIB interview, refer to **Exhibit "A", pages 17-18.**

Inmate [redacted] stated that on September 27, 2010, he was returning to dorm 5700 from pill call when he saw Subject Lopez searching Complainant [redacted] Inmate Jackson stated Subject Lopez told him to go back to his dorm.

A short time later, Complainant [redacted] returned to the dorm and his face was swollen. Approximately two minutes later, deputies came to the dorm and called Complainant [redacted] outside. Inmate [redacted] stated that the deputies covered the dorm window by putting paper over it. He stated that one of the deputies was a female by the name of **"PASOS."** Inmate [redacted] stated that after Complainant [redacted] left the dorm, he heard screaming coming from the hall way. Complainant [redacted] face was covered

with blood when he returned to the dorm. He told Inmate [redacted] that he had been assaulted by a deputy.

> **IAB NOTE:** ICIB investigators showed Inmate [redacted] a photographic line-up containing a photograph of Subject Omar Lopez in position #1. He was unable to identify him as one of the deputies that removed Complainant [redacted] from the dorm.

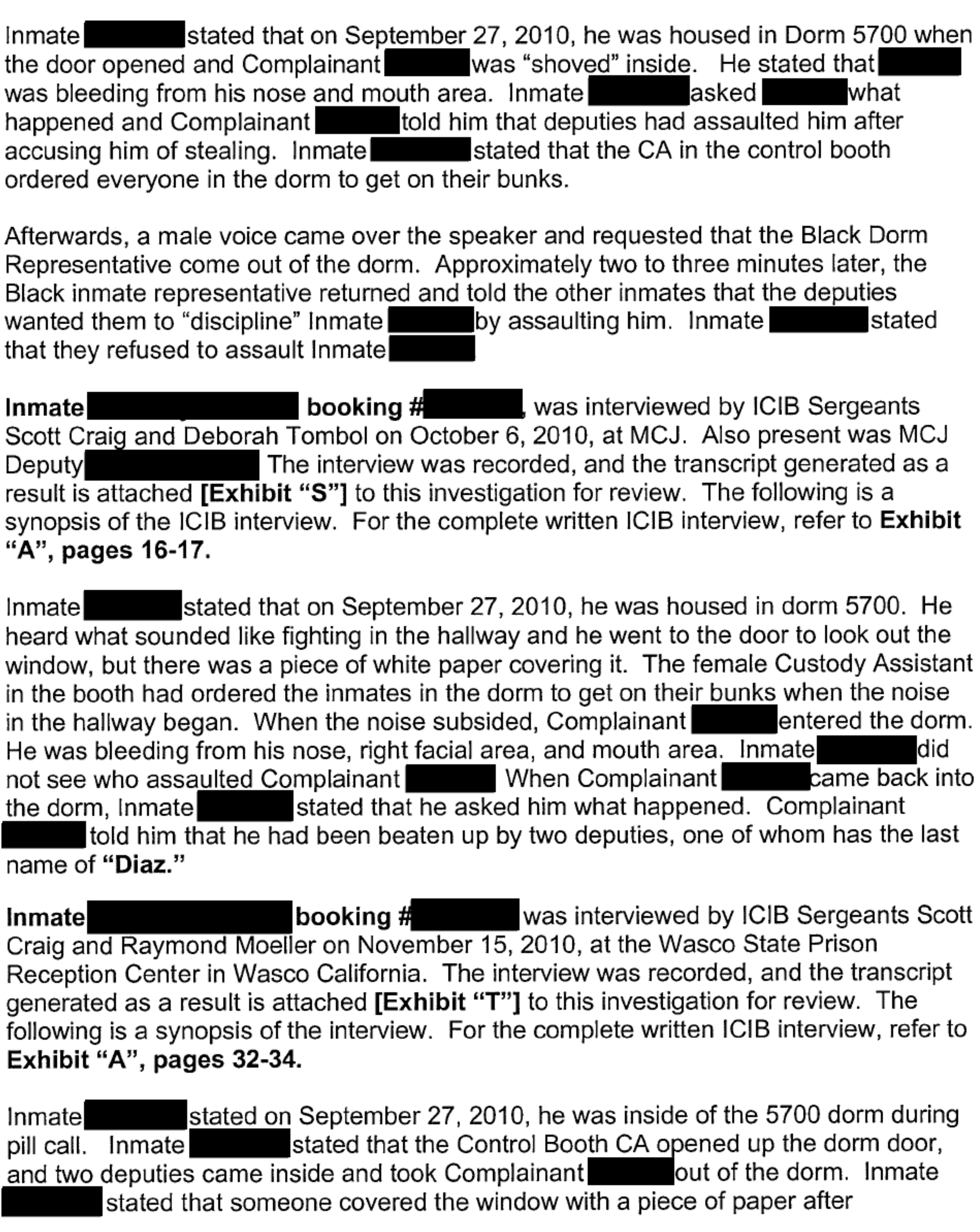
Inmate [redacted] booking #[redacted] was interviewed by ICIB Sergeants Scott Craig and Deborah Tombol on October 6, 2010, at MCJ. The interview was recorded, and the transcript generated as a result is attached **[Exhibit "Q"]** to this investigation for review. The following is a synopsis of the ICIB interview. For the complete written ICIB interview, refer to **Exhibit "A", pages 14-15.**

Inmate [redacted] stated that on September 27, 2010, between 1645 and 1745 hours, he was inside of the 5700 dorm. Complainant [redacted] came into the dorm and stated that he had been beaten up. Inmate [redacted] stated that several minutes later, Subject Lopez came to the dorm and called Complainant [redacted] out. Inmate [redacted] stated that he stood on top of a bunk and saw Complainant [redacted] standing in the hallway facing the wall between the 5600 and 5700 dorms. Subject Lopez and another deputy were standing near Inmate [redacted]

Inmate [redacted] stated that he did not know the other deputy's name. Immate [redacted] stated that he saw Subject Lopez shove Complainant [redacted] head into the wall. He stated that the other deputy was standing next to Subject Lopez when he shoved Complainant [redacted] head into the wall. Immediately afterwards, the female custody assistant working in the control booth ordered all the inmates to get on their bunks. Inmate [redacted] described her as being a female Hispanic wearing an all green uniform and possibly wearing glasses. When asked if he thought the custody assistant saw what happened to Complainant [redacted] Inmate [redacted] stated, *"Oh she saw it. That's why she told us to get on our racks."*

> **IAB NOTE:** ICIB investigators showed Inmate [redacted] a photographic line-up containing a photograph of Subject Omar Lopez in position #1. He positively identified him as the deputy he saw push Complainant [redacted] head against the wall.

Inmate [redacted] booking #[redacted] was interviewed by ICIB Sergeants Scott Craig and Deborah Tombol on October 6, 2010, at MCJ. Present during the interview was MCJ Deputy [redacted] #[redacted] The interview was recorded, and the transcript generated as a result is attached **[Exhibit "R"]** to this investigation for review. The following is a synopsis of the ICIB interview. For the complete written ICIB



interview, refer to **Exhibit "A", pages 15-16.**

Inmate [redacted] stated that on September 27, 2010, he was housed in Dorm 5700 when the door opened and Complainant [redacted] was "shoved" inside. He stated that [redacted] was bleeding from his nose and mouth area. Inmate [redacted] asked [redacted] what happened and Complainant [redacted] told him that deputies had assaulted him after accusing him of stealing. Inmate [redacted] stated that the CA in the control booth ordered everyone in the dorm to get on their bunks.

Afterwards, a male voice came over the speaker and requested that the Black Dorm Representative come out of the dorm. Approximately two to three minutes later, the Black inmate representative returned and told the other inmates that the deputies wanted them to "discipline" Inmate [redacted] by assaulting him. Inmate [redacted] stated that they refused to assault Inmate [redacted]

Inmate [redacted] booking #[redacted], was interviewed by ICIB Sergeants Scott Craig and Deborah Tombol on October 6, 2010, at MCJ. Also present was MCJ Deputy [redacted] The interview was recorded, and the transcript generated as a result is attached **[Exhibit "S"]** to this investigation for review. The following is a synopsis of the ICIB interview. For the complete written ICIB interview, refer to **Exhibit "A", pages 16-17.**

Inmate [redacted] stated that on September 27, 2010, he was housed in dorm 5700. He heard what sounded like fighting in the hallway and he went to the door to look out the window, but there was a piece of white paper covering it. The female Custody Assistant in the booth had ordered the inmates in the dorm to get on their bunks when the noise in the hallway began. When the noise subsided, Complainant [redacted] entered the dorm. He was bleeding from his nose, right facial area, and mouth area. Inmate [redacted] did not see who assaulted Complainant [redacted] When Complainant [redacted] came back into the dorm, Inmate [redacted] stated that he asked him what happened. Complainant [redacted] told him that he had been beaten up by two deputies, one of whom has the last name of **"Diaz."**

Inmate [redacted] booking #[redacted] was interviewed by ICIB Sergeants Scott Craig and Raymond Moeller on November 15, 2010, at the Wasco State Prison Reception Center in Wasco California. The interview was recorded, and the transcript generated as a result is attached **[Exhibit "T"]** to this investigation for review. The following is a synopsis of the interview. For the complete written ICIB interview, refer to **Exhibit "A", pages 32-34.**

Inmate [redacted] stated on September 27, 2010, he was inside of the 5700 dorm during pill call. Inmate [redacted] stated that the Control Booth CA opened up the dorm door, and two deputies came inside and took Complainant [redacted] out of the dorm. Inmate [redacted] stated that someone covered the window with a piece of paper after

Complainant [redacted] was taken from the dorm.
Inmate [redacted] stated that Complainant [redacted] was gone for approximately five minutes. When he returned to the dorm area, he was bleeding from his nose and mouth and one of his eyes was swollen shut. Inmate [redacted] stated that Complainant [redacted] told him that a deputy had beaten him up and "smashed his head." Inmate [redacted] stated that all the inmates in the dorm were told to get on their bunks when Complainant [redacted] came back into the dorm. The deputies then called the Black Dorm Representative out of the dorm (Inmate [redacted]). When he ([redacted]) returned, he told the Black inmates in the dorm that the deputies wanted them to beat up Complainant [redacted] The Black inmates refused to do it.

> **IAB NOTE:** The ICIB investigators showed Inmate [redacted] the two photographic line-ups containing Subjects Lopez and Montez. He was unable to identify either Subject as the deputies he saw remove Complainant [redacted] from the dorm.

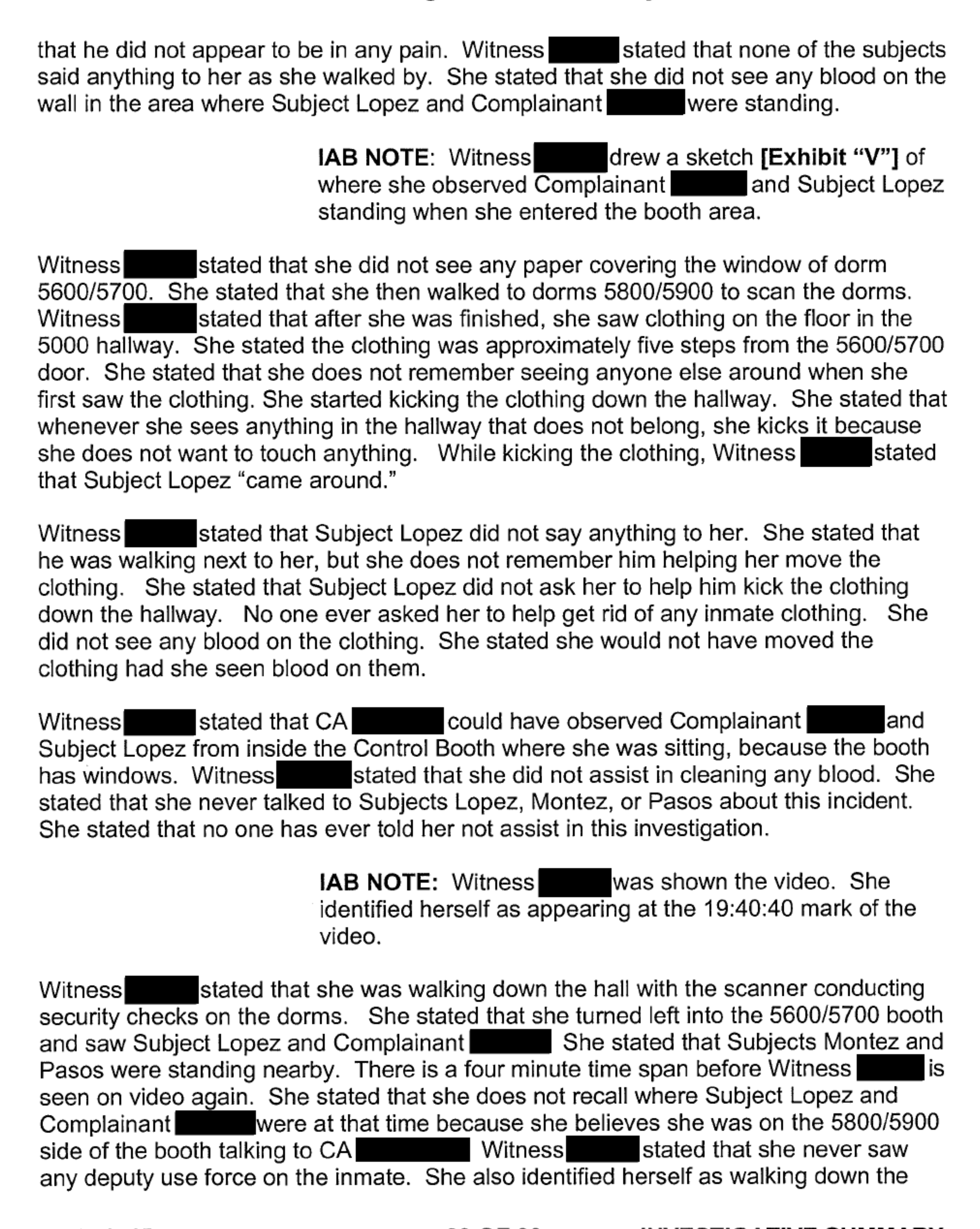
Custody Assistant [redacted], #[redacted] was interviewed by IAB Sergeants Frederick Reynolds and Mark Lopez on August 30, 2012, at approximately 1430 hours. Witness [redacted] was represented by Attorney Deborah Wadleigh of the Law Offices of Green and Shinee. The interview was conducted at the Internal Affairs Bureau Headquarters and was digitally recorded and later transcribed. The following is a summary of the interview:

> **IAB NOTE:** Witness [redacted] was interviewed by ICIB Sergeants Scott Craig and Deborah Tombol on September 28, 2010, at Men's Central Jail. The interview was recorded, and the transcript generated as a result is attached to this investigation for review **[Exhibit "U"].** For the complete written ICIB interview, refer to **Exhibit "A", pages 12-14.**

Witness [redacted] stated that on September 27, 2010, she was working at MCJ as the 5000 floor relief Custody Assistant. Witness [redacted] stated that she was scanning the bar codes on the dorms of the 5000 Floor. She stated that Subjects Pasos and Montez actually opened the door to the 5600/5700 booth area in order for her to enter. She stated she saw Complainant [redacted] standing against the wall with Subject Lopez standing behind him. She stated that all three subjects were in the vicinity of the inmate.

Witness [redacted] stated that the inmate was wearing jail clothing, and she noticed that he had a "scratch" on his nose. She stated that she did not see any blood, and assumed that Complainant [redacted] had been in a fight with another inmate.

Witness [redacted] stated that Complainant [redacted] was facing the wall, but he turned slightly toward her as she walked past which enabled her to see his injury. She stated



that he did not appear to be in any pain. Witness [redacted] stated that none of the subjects said anything to her as she walked by. She stated that she did not see any blood on the wall in the area where Subject Lopez and Complainant [redacted] were standing.

> **IAB NOTE**: Witness [redacted] drew a sketch **[Exhibit "V"]** of where she observed Complainant [redacted] and Subject Lopez standing when she entered the booth area.

Witness [redacted] stated that she did not see any paper covering the window of dorm 5600/5700. She stated that she then walked to dorms 5800/5900 to scan the dorms. Witness [redacted] stated that after she was finished, she saw clothing on the floor in the 5000 hallway. She stated the clothing was approximately five steps from the 5600/5700 door. She stated that she does not remember seeing anyone else around when she first saw the clothing. She started kicking the clothing down the hallway. She stated that whenever she sees anything in the hallway that does not belong, she kicks it because she does not want to touch anything. While kicking the clothing, Witness [redacted] stated that Subject Lopez "came around."

Witness [redacted] stated that Subject Lopez did not say anything to her. She stated that he was walking next to her, but she does not remember him helping her move the clothing. She stated that Subject Lopez did not ask her to help him kick the clothing down the hallway. No one ever asked her to help get rid of any inmate clothing. She did not see any blood on the clothing. She stated she would not have moved the clothing had she seen blood on them.

Witness [redacted] stated that CA [redacted] could have observed Complainant [redacted] and Subject Lopez from inside the Control Booth where she was sitting, because the booth has windows. Witness [redacted] stated that she did not assist in cleaning any blood. She stated that she never talked to Subjects Lopez, Montez, or Pasos about this incident. She stated that no one has ever told her not assist in this investigation.

> **IAB NOTE:** Witness [redacted] was shown the video. She identified herself as appearing at the 19:40:40 mark of the video.

Witness [redacted] stated that she was walking down the hall with the scanner conducting security checks on the dorms. She stated that she turned left into the 5600/5700 booth and saw Subject Lopez and Complainant [redacted] She stated that Subjects Montez and Pasos were standing nearby. There is a four minute time span before Witness [redacted] is seen on video again. She stated that she does not recall where Subject Lopez and Complainant [redacted] were at that time because she believes she was on the 5800/5900 side of the booth talking to CA [redacted] Witness [redacted] stated that she never saw any deputy use force on the inmate. She also identified herself as walking down the

hallway with Subject Lopez while kicking Complainant [redacted] clothing.

Sergeant Robert Jones III, #[redacted] was interviewed by IAB Sergeants Frederick Reynolds and Mark Lopez on August 20, 2012, at approximately 1430 hours. The interview was conducted at the Internal Affairs Bureau headquarters and was digitally recorded and later transcribed. The following is a summary of the interview:

Sergeant Jones stated that on September 27, 2010, he was assigned to MCJ working PM shift as the floor supervisor. He stated that he was never notified that a use of force incident had occurred in or around Dorm 5700.

Sergeant Jones stated that he remembers that Subjects Montez, Lopez, and Pasos were working on September 27, 2010, but he does not recall speaking to any of them. He does not know Complainant [redacted]

Sergeant Jones stated that he did not hear any deputies request assistance or a supervisor over the radio, nor did he hear any deputies broadcast that a use of force had occurred. Sergeant Jones stated that he did not find out that Subjects Pasos, Lopez, and Montez had been involved in a use of force until September 28, 2010.

Sergeant Jones stated that Lieutenant Tonya Edwards told him about the incident and asked him if he was aware of the use of force and whether anyone had reported it to him. He told her that he did not know about a use of force incident and no one had reported force to him.

> **IAB NOTE:** Sergeant Jones was shown the video of the incident. At the 19:49:33 mark, Deputy Lopez is seen escorting Complainant [redacted] from the booth area and into the dorm area. Sergeant Jones identifies himself as entering the video screen at 19:49:39. He walks down the hallway and turns to the left going away from the dorm area and into the booth area. Sergeant Jones stated that he did not see any blood on the wall when he walked into the booth area.



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



April 8, 2013

Deputy Omar Lopez, #[redacted]

Dear Deputy Lopez:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business April 29, 2013.

An investigation under IAB File Number 2274545, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual Sections 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/3-01/050.10, Performance to Standards, Performance to Standards; and/or 3-01/025.10, Unreasonable Force (Revised to 3-10/030.00); and/or 3-01/040.97, Safeguarding Persons in Custody; and/or 5-09/430.00, Use of Force Reporting and Review Procedures (Revised to 3-10/100.00); on or about September 27, 2010, you failed to conform to the work standards established for your position when you assaulted an inmate, utilizing force that was unnecessary and/or excessive given the inmate's behavior and the totality of the circumstances presented, including your own statements that you "jabbed him once on the side" because the inmate tensed up, and that you put your right hand on "the back of his head. And him being so close to the wall I end up shoving him to the wall." Your use of force caused significant injuries to the inmate, and you thereafter failed to seek medical attention for the inmate's injuries. You failed to report your use of force to a supervisor. Your actions have brought discredit upon yourself and the Department.

2. That in violation of Manual Sections 3-01/040.65, Tampering with Evidence; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; on or about September 27, 2010, you altered, destroyed and/or discarded evidence of your assault when you had the inmate change out of his blood soaked clothing and discard it in a trash receptacle, and had another inmate clean the floor and wall of blood stains.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Alexander Yim, on April 29, 2013, at 1330 hours, in his office, which is located at 450 Bauchet Street, Room E-826, Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to April 29, 2013, for your oral response, please call Chief Yim's secretary at ([redacted], for an appointment.

If you choose to respond in writing, please call Chief Yim's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Yim's office by no later than April 29, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:CMJ:cj

c: Advocacy Unit
Employee Relations Unit
Chief Alexander Yim, Custody Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2274545)



Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



April 8, 2013

Deputy Mark Montez #[redacted]

Dear Deputy Montez:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business April 29, 2013.

An investigation under IAB File Number 2274545, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 5-09/430.00, Use of Force Reporting and Review Procedures (Revised to 3-10/100.00); on or about September 27, 2010, you failed to conform to the work standards established for your position when you failed to report your observations of a use of force by another deputy to your supervisor. Your actions have brought discredit upon yourself and the Department.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, False Statements During Departmental Internal Investigations on or about August 10, 2012, you made false and/or incomplete statements during a Department investigation including but not limited to the following:

    a. you were unaware of a use of force against an inmate by Subject Lopez, stating "I was not aware of it" and/or;

b. you did not hear any kind of confrontation take place between Subject Lopez and an inmate and/or;

c. you did not observe and were not aware of a trustee cleaning blood off of a wall, and/or;

d. when viewing a videotape depicting yourself, Subject Lopez, and a trustee worker, that you did not recognize the individual (Subject Lopez) depicted on the tape.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Alexander Yim, on April 29, 2013, at 1100 hours, in his office, which is located at 450 Bauchet Street, Room E-826, Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to April 29, 2013, for your oral response, please call Chief Yim's secretary at ([redacted]) [redacted] for an appointment.

If you choose to respond in writing, please call Chief Yim's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Yim's office by no later than April 29, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:CMJ:cj

c: Advocacy Unit
Employee Relations Unit
Chief Alexander Yim, Custody Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2274545)



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



April 8, 2013

Deputy Meghan Pasos, #[redacted]

Dear Deputy Pasos:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business April 29, 2013.

An investigation under IAB File Number 2274545, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or Section 5-09/430.00, Use of Force Reporting and Review Procedures (Revised to 3-10/100.00); and/or 3-01/040.97, Safeguarding Persons in Custody; on or about September 27, 2010, you failed to conform to the work standards established for your position when you failed to report your observations of a use of force by another deputy to your supervisor, despite observing that the inmate was bleeding from the nose and Deputy Lopez' statement to you, "I shoved his head into a wall." You failed to report the use of force and explained such failure as, "I just honestly wanted to close my eyes and act like I didn't see..." Furthermore, despite observing that the inmate was bleeding and in obvious need of medical attention, you failed to seek medical care and/or ensure that medical care was sought for the inmate. Your actions have brought discredit upon yourself and the Department.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Alexander Yim, on April 29, 2013, at 1000 hours, in his office, which is located at 450 Bauchet Street, Room E-826, Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to April 29, 2013, for your oral response, please call Chief Yim's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Yim's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Yim's office by no later than April 29, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

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Employee Relations Unit
Chief Alexander Yim, Custody Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2274545)

LOS ANGELES CITY ATTORNEY COMPLAINT SCREENING WORKSHEET				
		Further investigation is requested.	C.A. CASE NO.	DATE April 20, 2012
		Prosecution declined in lieu of Prob.Viol.		
		City Attorney Hearing	POLICE CASE NO. (DR OR OTHER NO.) 910-00049-2003-441	C.A. BRANCH NAME SPECIAL TRIALS UNIT
	X	Prosecution declined		

SUSP NO.	SUSPECT NAME (LAST-FIRST-MIDDLE)	BOOKING NO.	CHARGES CODE	SECTION	REASON CODE
1	Lopez, Omar		PC	149	H
			PC	135	H
2	Montez, Mark		PC	149	H
			PC	135	H
3	Pasos, Meghan		PC	149	H
			PC	135	H
4					

DOJ REASON CODES - FOR USE ON THIS FORM AND JUS-8715

A. Lack of corpus
B. Lack of Sufficient Evidence
C. Inadmissible Search & Seizure
D. Victim Unavailable/Declines to Testify
E Witness Unavailable/Declines to Testify
F. Combined with Other Count/Cases
G. Interest of Justice
H. Other - Indicate the Reason in "Description" Section
I. Referred to non-California jurisdiction
J. Deferred for Revocation of Parole
K. Further Investigation
L, Prosecutor Prefiling Deferral

REASON CODES NOT FOR USE ON 5.9

M. Prosecution declined in lieu of Probation Violation
N. City Attorney Hearing

DESCRIPTION/ REMARKS

The internal investigation report indicates that suspect 1, a sheriff's deputy working at Men's Central Jail, assaulted and battered an inmate on 9/27/10 and then attempted to cover it up. Suspect 2 was seen with suspect 1 shortly beforehand; suspect 3 was seen with suspect 1 shortly afterwards. The case was presented to the DA's office for filing consideration. On 10/18/11, over one year after the incident date, the DA's office concluded that the conduct did not rise to the level of a felony and referred the matter to this office for misdemeanor filing consideration. On 12/7/11, this office forwarded the file to the Attorney General's office for filing review. On 4/2/12, the AG's office returned the file back to this office. PC § 149 (assault by officer under color of authority) and PC § 135 (destroying evidence) are straight misdemeanors, not wobblers, subject to the one-year limitations period set forth in PC § 802(a). (See PC §§ 17(b), 805.) The charges became time-barred as of 9/27/11, while the matter was still under review by the DA's office and prior to referral to this office.

Richard E. Kraft *Supervising Attorney, Special Trials Unit*	COMPLAINT DEPUTY (Print)	COMPLAINT DEPUTY (Signature)	SUPERVISOR'S APPROVAL, if applicable (Signature)
Filing Deputy *H. Spencer Hart, Deputy City Attorney*	H. Spencer Hart	[signature]	[signature]

LAW OFFICES OF HAUSMAN & SOSA, LLP
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Facsimile: (818) 654-9050

Attorney for: COUNTY OF LOS ANGELES, SHERIFF'S DEPARTMENT

CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

In the Matter of the Discharge of OMAR LOPEZ Appellant, v. COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT, Respondent.	**CSC No. 13-225** **SETTLEMENT AGREEMENT AND RELEASE**

This Settlement Agreement/Release ("Agreement" and/or "Settlement Agreement"and/or "Release") is entered into by and between Respondent COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT, THE COUNTY OF LOS ANGELES, the COUNTY OF LOS ANGELES' employees, agents, representatives, its attorneys, claims adjustors, investigators, insurers, elected officials, heirs, executors, administrators, successors, and/or assigns (hereinafter individually and/or collectively sometimes referred to as "Respondent" or "the Department" or "County" or "the County of Los Angeles") and OMAR LOPEZ, his attorneys, employees, agents, representatives, heirs, executors, administrators, successors, and assigns (hereinafter individually and/or collectively sometimes referred to as "Appellant" or "Lopez").

///

RECITALS

A. Appellant was employed with the COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT in the position of Deputy Sheriff.

B. Appellant and the Sheriff's Department are parties to the above captioned appeal which is currently pending before the Civil Service Commission of the County of Los Angeles ("the Commission") and assigned CSC No. 13-225 (sometimes collectively referred to as "civil service appeal").

C. On April 8, 2013 an intent to discharge letter was sent to Appellant. On May 10, 2013 the Sheriff's Department notified Appellant that he was being discharged.

D. Thereafter, Appellant appealed the discharge to the Commission and the Commission assigned this matter Case No.13-225.

E. The parties wish to resolve this dispute by this Agreement in accordance with the terms set forth hereinafter.

F. It is the intent of this Agreement to resolve <u>all</u> claims and allegations, whether based on tort, statute, contract, discrimination, retaliation, and/or otherwise, that Appellant has and/or that he could have been asserted, as of the date of the signing of this Agreement.

G. Appellant and his representatives expressly represent and attest that no other appeals, actions, claims or lawsuits have been filed other than civil service number 13-225. Appellant and his representatives also represent that there are no other lawsuits, actions, appeals, complaints or claims, whether before the Commission, in any Superior Court, Federal Court and/or any other forum, concerning any claims and allegations that Appellant has or could have been asserted as of the date of the signing of this Agreement.

H. COUNTY and Appellant desire to avoid litigation and to settle <u>all</u> of these disputes and issues, with no admission of guilt or wrongdoing by either party, upon the terms and conditions set forth herein.

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I. It is the intent of this Agreement to resolve all claims and allegations that Appellant has or that could have been asserted, whether known or unknown, suspected or unsuspected, as of the date of the signing of this Agreement. It is also the intent of this Agreement to resolve all claims and allegations, arising out of CSC No. 13-225 whether based on tort, statute, contract, discrimination, retaliation, or otherwise, that Appellant has and/or that could have been asserted, as of the date of the signing of this Agreement.

J. Appellant has, at all times, been advised by competent representatives of his own choice of the effect of this Agreement and represents by his signature on this Agreement that he freely and willingly accepts all of the terms, conditions, undertakings, and promises contained in this Agreement. Appellant has relied upon his own legal representatives as to the effect of this Agreement.

K. Appellant understands that all of his claims, whether or not they have merit, encompassed by this Agreement will forever be released. Thus, the parties wish to resolve all disputes by this Agreement and forever release each other in accordance with the terms set forth hereinafter.

NOW, THEREFORE, in consideration of the covenants and promises herein contained it is agreed as follows:

1. By virtue of execution of this Agreement, the Department rescinds the discharge decision made on May 10, 2013, and instead, the Department will accept Appellant's resignation for personal reasons from County service.

2. Appellant, by virtue of execution of this Agreement, tenders his resignation for personal reasons from his position with COUNTY effective the end of the work day on May 7, 2013 and COUNTY, with the execution of this Agreement, hereby accepts the resignation of Appellant for personal reasons effective the end of the work day on May 7, 2013. Further, Appellant will submit a letter reflecting his resignation for personal reasons effective on May 7, 2013.

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Within two (2) days of the execution of this Settlement Agreement and Release, Appellant will submit a letter addressed as follows:

Chief David L. Fender
Los Angeles County Sheriff's Department
Custody Services Division–Specialized Programs
Twin Towers Correctional Facility
450 Bauchet Street, Room E835
Los Angeles, CA 90012

This letter will reflect Appellant's resignation for personal reasons effective May 7, 2013. A copy shall be provided to the Department's attorneys. Appellant may use the letter attached to this Agreement as Exhibit "A."

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Further, Appellant agrees to complete and sign documents utilized by the Department for receiving and processing resignations by employees of the County of Los Angeles, including the County of Los Angeles Sheriff's Department.

3. Appellant will receive no back pay, no benefits, no financial or other consideration as a result of entering into and/or executing this Agreement.

4. If a third party outside of the County of Los Angeles (such as a prospective employer of Appellant) were to contact the Department about Appellant, the person or entity would simply be advised about the dates of Appellant's employment and in what capacity. The Department will also state that Appellant resigned for personal reasons.

5. Appellant shall dismiss with prejudice <u>all</u> complaints and claims filed against the County of Los Angeles or the Department connected with or arising out of his employment including, but not limited to, his appeal to the County of Los Angeles Civil Service Commission. If there are any other complaints or claims filed by Appellant relating to or in any way connected with his employment with the Department, with the exception of any Workers' Compensation claims, Appellant expressly and unequivocably recognizes and agrees that they are within the scope of this Agreement and shall be dismissed within two (2) days of the execution of this Agreement.

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6. Upon execution of this Settlement Agreement, Appellant will immediately, and in any event within two (2) days of the execution of this Agreement, withdraw, in writing, his request for a hearing/civil service appeal before the Civil Service Commission concerning this matter. Further, by executing this Settlement Agreement, Appellant's appeal in CSC No. 13-225 shall be deemed withdrawn and dismissed finally and irrevocably. If Appellant does not submit this letter within two (2) days after execution of this Settlement Agreement, this Settlement Agreement itself will serve to constitute the withdrawal by Appellant of his appeal in CSC No. 13-225.

7. Appellant agrees and undertakes that he will not apply for, seek or accept employment, in any capacity and at any time, with the COUNTY OF LOS ANGELES, the SHERIFF'S DEPARTMENT and/or any of the Departments or entities within the COUNTY OF LOS ANGELES.

8. Appellant's retirement benefits, if any, are <u>not</u> addressed by this Settlement Agreement and Release, and Plaintiff agrees and recognizes that any issues regarding retirement benefits, if any, shall be resolved with and determined by the Los Angeles County Employees Retirement Association ("LACERA"), an entity which is separate and apart from the County and/or the Sheriff's Department.

9. Each side, namely, Appellant and the COUNTY, shall bear its own costs of every sort and kind as well as each side's own attorney's fees, in *all* proceedings and with respect to *all* matters, events and facts addressed by and/or related in any way to this Agreement.

10. Appellant agrees not to pursue any issues raised by and/or that could have been raised by his civil service appeal in any other forum whatsoever. Appellant is not to pursue any further claims, actions, proceedings, complaints, protests of any sort or nature, including but not limited to, any complaint, grievance, letter complaint, or oral complaint against Respondent in connection with any allegations which relate in any way to this matter including, but not limited to, his discipline, the discharge, his employment relationship with the COUNTY OF LOS ANGELES, and/or the investigation conducted and action taken prior to and/or subsequent to his discharge.

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11. In consideration of the terms and conditions set forth herein, Appellant agrees to fully release, acquit and forever discharge the COUNTY OF LOS ANGELES, the LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, and all of their present and former officers, employees and agents of the County, and their heirs, successors, assigns, and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the COUNTY OF LOS ANGELES and Appellant concerning the subject matter of the proceedings and events between the parties referred to herein.

12. Appellant agrees not to file in any State or Federal Court or before any state or federal agency, or before any tribunal, be it administrative or judicial or legislative or executive, any charges or complaints relating in any way to the above-described disputes or to any other matter arising prior to the execution of this Agreement, in connection with any allegations which relate in any way to his discipline, the discharge, any administrative investigations involving Appellant, his employment relationship with the Department, any claim he could have brought up to and including the date of this Agreement in connection with his discipline, any claim he could have brought up to and including the date of this Agreement in connection with claims in tort and/or contract, claims of discrimination, retaliation, or any other matter which would be the subject of federal or state laws involving employment discrimination, including, but not limited to, any claim which was the subject of any petition, pleading, document and/or other writing filed by Appellant up through the date of this Agreement with the Civil Service Commission.

13. Appellant agrees to withdraw from consideration any charges or complaints, including, but not limited to, the California DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING ("DFEH") or Federal EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ("EEOC") charge or charges currently before any State or Federal Court or agency, the Commission or any other governmental entity which relates to the COUNTY or COUNTY's past or present employees, agents and/or officials, in connection with any allegations which relate in any way to his employment, his employment relationship with the COUNTY, any claim he could have brought up to and including the date of this Agreement in connection with claims of discrimination, retaliation, or any other matter which would be the subject of the federal or state laws involving employment discrimination, including

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any claim which was the subject of any petition filed by Appellant up through the date of this Agreement with the Commission.

14. Appellant understands and agrees that all of his rights under §1542 of the Civil Code of the State of California are hereby expressly waived and relinquished. Said §1542 reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected the settlement with the debtor."

Appellant agrees that adequate consideration supports this waiver.

15. Notwithstanding the provisions of §1542, and for the purpose of implementing a full and complete release and discharge of the released parties, Appellant expressly acknowledges that this Agreement and Release are intended to include in its effect, without limitations, all claims which Appellant does not know or suspect to exist against COUNTY at the time of execution, hereof, and that this Agreement contemplates the extinguishment of any claim or claims, in connection with any claim he could have brought up to and including the date of this Agreement in the federal or state laws involving employment discrimination, including any claim which was the subject of any petition filed by Appellant up through the date of this Agreement with the Commission and/or any complaint filed with any Court.

16. Appellant specifically acknowledges that he has not been the subject of discrimination or retaliation in any form, including, but not limited to, discrimination based upon age, race, religious creed, color, gender, national origin, ancestry, physical disability, mental disability, medical condition, marital status, parental status, filing of Worker's Compensation claims, or sex, and that he has no claim against the Department for any such discrimination or retaliation, whether any such claim is presently known or not known by him.

17. Appellant acknowledges that he has read and understands the terms of this Settlement Agreement, that he has had the option of reviewing it with counsel of his own choosing and that he is relying solely upon the content of this Agreement and Release and is not relying on any other representation whatsoever of the released parties as an inducement to enter into this Agreement.

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18. The terms and conditions of this Agreement, will be confidential except (1) where COUNTY regulations or policies require disclosure to COUNTY departments and/or COUNTY management and/or (2) where disclosure to any entity or person is required by law.

19. The parties further agree that this Settlement Agreement shall not be considered, cited or used in future disputes as establishing past precedent or past employment practice. This Agreement resolves the dispute.

20. This document sets forth the entire agreement between the parties and may not be altered, amended, or modified in any respect, except by writing duly executed by the parties affected. All other understandings, oral agreements and writings are expressly superseded hereby and are of no further force or effect. The parties agree and acknowledge that this is an integrated agreement and constitutes the final expression of the parties' agreement. The parties also agree and acknowledge that this Settlement Agreement and Release is strictly subject to the Parol Evidence Rule. This agreement may be enforced in a court of law by either party.

21. Appellant agrees to cooperate fully and to execute any and all supplementary documents and to take all additional actions that may be necessary and appropriate to give full force and effect to the basic terms and intent of this Agreement and which are not inconsistent with its terms. Appellant and each of his past, present and/or future representatives, attorneys and/or employees, agents and officials agree that they will make no statements inconsistent with any of the provisions of this Agreement.

22. This Settlement Agreement and Release is to be construed and interpreted as if both parties participated in the drafting of this Settlement Agreement. Any ambiguities shall be resolved in favor of upholding the purpose of this Settlement Agreement.

23. Appellant acknowledges and recognizes that the compromise and settlement which form the basis of this Agreement have been arrived at after thorough bargaining and negotiation and represent a final, mutually agreeable compromise.

24. The date of the last signature placed on this Settlement Agreement shall hereinafter be known as the "date of execution" and/or "the effective date" of this Agreement.

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25. Appellant represents and agrees that he has carefully read and fully understands all of the provisions of the Agreement, and that he is voluntarily, and without duress or undue influence, entering into this Agreement.

26. It is understood and agreed that Appellant is currently unaware of any claim, right, demand, debt, action, obligation, liability, or cause of action that Appellant may have against the Department and/or any of its managers, law enforcement personnel, agents, servants, or employees which has not been released by Appellant in this Release.

27. Appellant acknowledges that all liens or other claims of third parties have been disclosed and agrees to hold harmless, defend, and indemnify COUNTY, its attorneys and agents, for any and all liens or other claims of third parties which have been or may be asserted for services which have been or may be rendered on behalf of Appellant.

28. Appellant represents and warrants that no claim, demand, cause or causes of action that he has or might have arising out of, connected with, or incidental to CSC No. 13-225 , nor any portion thereof, nor any claims and potential and/or possible claims that are the subject of or addressed by this Agreement, has/have been assigned or transferred to any other person, firm or corporation including, without limitation, any parent, subsidiary or affiliate of any party, in any manner, including by way of subrogation or operation of law or otherwise.

29. It is understood that this Agreement is a compromise of disputed claims and that the actions of the parties in accomplishing this Agreement shall not be construed as an admission or acknowledgment of liability or wrongdoing on the part of any party.

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IN WITNESS WHEREOF, the undersigned have executed this Settlement Agreement and Release on the dates hereinafter indicated. Said Agreement and release may be signed in counterparts.

Date: November 18, 2013

By: ______________________
OMAR LOPEZ, APPELLANT

Date: November 25, 2013

By: ______________________
CHIEF DAVID L. FENDER
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

APPROVED AS TO FORM:

LAW OFFICES OF CHARLES GOLDWASSER.

Date: November 18, 2013

By: ______________________
CHARLES GOLDWASSER,
Attorney for APPELLANT OMAR LOPEZ

LAW OFFICES OF HAUSMAN & SOSA, LLP

Date: November 19, 2013

By: ______________________
VINCENT C. McGOWAN
Attorney for COUNTY OF LOS ANGELES, SHERIFF'S DEPARTMENT

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CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

July 15, 2015

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **MARK MONTEZ** for a hearing on his discharge, effective June 27, 2013, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 13-321**.

The Civil Service Commission, at its meeting held on July 8, 2015 approved findings in the above-entitled case. The petitioner's objections were sustained. Commissioners Donner and Kahwajian dissented.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Mark Montez
Audra Call
Catie Mathers
Irene Ayala

LOS ANGELES COUNTY CIVIL SERVICE COMMISSION

In the Matter of the Appeal of

MARK MONTEZ,

Appellant,

and

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT,

Respondent.

Case No. 13-321

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

Appearances

For Appellant	Audra C. Call Green & Shinee 16055 Ventura Boulevard, Suite 1000 Encino, California 91436
For Respondent	Catherine M. Mathers Collins Collins Muir + Stewart 1100 El Centro Street South Pasadena, California 91030
Hearing Officer	Irene P. Ayala
Hearing Dates:	February 19, 2014 March 4, 2014 June 26, 2014 July 24, 2014 September 23, 2014

ISSUES

1. Did the Department violate Appellant's rights pursuant to Government Code section 3304?
2. Are the allegations contained in the Department's letter of June 27, 2013 true?
3. If any or all are true, is the discipline appropriate?

EXHIBITS

Department's Exhibits

See attached list.

Appellant's Exhibits

See attached list.

INTRODUCTION

Mark Montez ("Appellant") was employed by the Sheriff's Department ("Department") as a Deputy Sheriff. In a letter from the Department dated June 27, 2013, Appellant was informed he was discharged effective June 27, 2013. The Department maintained his discharge was justified because he observed the use of force by Deputy Omar Lopez against inmate, Dequan Ballard, and failed to report his observations to his supervisor.

The Department also alleged Appellant made false statements during his interview on August 10, 2012 by Internal Affairs Bureau investigators regarding the use of force by Deputy Lopez.

EVIDENCE

Appellant began his employment with the Department in September 2007. Following his graduation from the academy, he was assigned to the Men's Central Jail ("MCJ"). He remained in that assignment until his discharge.

On September 27, 2010, [redacted] ("[redacted]") was an inmate at MCJ. That day he stole items from [redacted] a commissary vendor who was in the hallway on his floor in the

jail facility. Ms. [redacted] informed Deputy Meghan Pasos of the theft. Deputy Pasos subsequently relayed that information to Appellant and Deputy Omar Lopez.

Deputy Lopez and Appellant located [redacted] and took him to an elevator landing located off of the main hallway. Deputy Lopez intended to conduct a strip search to recover any of the stolen property. At that time there were a large number of inmates and staff congregated in the hallway. The elevator landing was out of the jail security camera view.

[redacted] recognized Deputy Lopez but he did not recognize Appellant. Once at the elevator landing, Deputy Lopez had him face the wall. Deputy Lopez then punched him once on the right side of the face and six times in his right rib cage area using his right fist. [redacted] indicated the second deputy (Appellant) did not strike him, but was watching it take place as he stood in the hallway.

Deputy Lopez then strip searched [redacted] and told him to return to his dormitory. While returning to his dormitory, [redacted] saw the commissary vendor and threatened her for reporting him for stealing. He did return to his dormitory (5700) and went inside the room. That threat was communicated to Deputy Lopez.

[redacted] was inside his dormitory room for several minutes when he saw Deputy Lopez inside the 5600/5700 control booth. Custody Assistant [redacted] was inside the booth. A large window along the length of the booth and windows at the dormitory on each side allowed Custody Assistant [redacted] to observe what took place in the hallway in front of the booth and in the inmate dormitories.

Deputy Lopez intended to bring [redacted] out of his dormitory and placed a piece of paper over the window on the door leading to the dormitory to prevent other inmates inside from seeing his interaction with [redacted] Custody Assistant [redacted] ordered the inmates in the dormitory to get on their bunks.

Deputy Lopez called [redacted] out of the dormitory room and then told him to stand facing the wall that was directly in front of the control booth window. Deputy Lopez pushed [redacted] face into

the wall causing bleeding from his face, nose and mouth areas. During an interview, [redacted] stated his blood was splattered on the wall, on his clothing, and on the floor. He recalled that a female deputy walked up to where they were standing. That Deputy was Deputy Pasos. Appellant was not present during [redacted] physical assault.

Deputy Lopez called for Trustee [redacted] to bring him a new set of clothing and had [redacted] change into the clean inmate clothing. He was returned to his dormitory room. Trustee [redacted] was also instructed by Deputy Lopez to clean the floor and wall area in front of the control booth. When interviewed, Trustee [redacted] confirmed there was blood on the wall, floor and on [redacted] clothing left on the floor. He was told to "hurry up" his removal of the blood.

Sgt. Joseph Monarrez was a supervisor at MCJ. Shortly after he began his shift on September 27, 2010, he was advised by Custody Assistant [redacted] of the assault on [redacted] by a deputy. Sgt. Monarrez spoke with [redacted] who told him Deputy Lopez struck him in the elevator landing and later in front of the control booth. [redacted] also told him there were other deputies at the elevator landing during the assault.

Sgt. Monarrez viewed the security camera near the elevator landing and saw Appellant standing outside at the threshold of the landing. Appellant appeared to be acting as a "lookout." Sgt. Monarrez confirmed it is common practice to have another deputy present if a strip search of an inmate will take place.

After [redacted] was assaulted in front of the control booth, Sgt. Monarrez could see on the security video Deputy Lopez with Custody Assistant [redacted] who was kicking [redacted] soiled clothing down the hallway. He recognized Deputy Pasos as she appeared to circle and pace near the control booth.

Sgt. Monarrez looked at the wall near the control booth where the second assault took place. He did not observe any blood. He notified the Watch Commander, Lt. Tonya Edwards, regarding the incident and [redacted] was sent to the clinic to be evaluated. MCJ Unit Commander

Captain Daniel Cruz was also notified of the incident. Captain Cruz contacted the Internal Criminal Investigations Bureau ("ICIB") and requested that a criminal investigation be conducted.

ICIB Sergeant Scott Craig was assigned as the lead investigator and began his investigation on September 28, 2010. He reviewed the surveillance cameras and conducted interviews of all involved parties and witnesses. He submitted the case to the Los Angeles County District Attorney's Justice System Integrity Division Office for review on December 28, 2010. The subjects facing potential criminal prosecution were Deputy Lopez, Deputy Pasos and Appellant.

The District Attorney's Office decided the conduct did not rise to the level of a felony and it was referred to the City Attorney's Office. It was later referred to the state Attorney General's Office for prosecution review and they returned it to the City Attorney's Office. That agency declined prosecution on April 20, 2012.

The Department then initiated an Internal Affairs Bureau ("IAB") investigation looking into violations of Department policy and procedures that was conducted by Sgt. Frederick Reynolds. His interviews took place approximately two years after the incident date.

During an IAB interview, Deputy Lopez confirmed he was informed by Deputy Pasos that [redacted] took items from the vendor. He was able to identify [redacted] as the inmate involved in the theft. Deputy Lopez confirmed he took Ballard to the elevator landing for a strip search. He also stated he struck [redacted] once on the side of the stomach. At that point, [redacted] admitted he took the property and said he was sorry. Deputy Lopez said he just sent [redacted] back to his dormitory.

Deputy Lopez confirmed Appellant was with him during the elevator landing incident to provide security. He was not sure if Appellant witnessed him using any force against [redacted]

About five minutes later, the vendor informed him [redacted] confronted her because she reported the theft. Deputy Lopez removed [redacted] from his dormitory. They were in the hallway in front of the control booth window outside of a camera view. According to Deputy Lopez, [redacted] was facing the wall and then made a fast movement toward him. In an effort to control him, Deputy Lopez pushed [redacted] against the wall causing him to hit the wall with his face. Deputy Lopez

noticed [redacted] nose was bleeding. He had a trustee clean up the blood on the wall and [redacted] was given a clean set of inmate clothing. [redacted] was then returned to his dormitory.

Deputy Lopez told investigators Deputy Pasos may have been present when the trustee cleaned the wall. However, Appellant was not present at any time when the blood was being cleaned off the wall. Appellant came into the area where the incident took place, but Deputy Lopez did not tell him about his encounter with [redacted]

On August 10, 2012, Appellant was interviewed by Sgt. Reynolds for the IAB investigation. During that interview, Appellant indicated he was informed an inmate stole an item from the vendor. That inmate was [redacted] Appellant and Deputy Lopez decided [redacted] had to be strip searched to recover any stolen property. They took him to the elevator landing to avoid doing the search of a naked inmate in front of other inmates or females who might be in the area.

When they arrived in the elevator landing, Deputy Lopez gave [redacted] the commands to begin the strip search. Appellant stated he turned and positioned himself facing toward the outside hallway to stop any females who may walk by and for general safety.

Appellant could hear Deputy Lopez' commands to the inmate and it appeared [redacted] was complying with those commands. Deputy Lopez located the stolen property, [redacted] put his clothing on and returned to his dormitory. Appellant returned to his own duties supervising the inmates. He told the investigator that was the end of the incident.

Appellant denied he either heard or observed a confrontation between Deputy Lopez and [redacted] while they were in the elevator landing. Nor, did he observe any injuries on [redacted] Appellant also denied either observing or being aware that a trustee cleaned blood off the wall in front of the control booth.

Appellant viewed the security camera video that showed him at the area of the control booth. Appellant stated he did not recognize the deputy who was seen standing next to him, nor did he recall what they were discussing. That deputy was Deputy Lopez.

During his testimony at the appeal hearing, Appellant confirmed he was familiar with the Department's reporting requirements when force is used or witnessed. He also stated Deputy Lopez took [redacted] to the elevator landing to provide some privacy for the strip search to avoid having female personnel or other inmates view it taking place. His role during the search was to provide security for Deputy Lopez. He denied hearing anything that would indicate [redacted] was being struck by Deputy Lopez. [redacted] was against the wall and Deputy Lopez was in front of him with his back to Appellant. Appellant stated part of the time he was standing with his back to Deputy Lopez to monitor the activity of the other inmates in the hallway.

Appellant had already stepped away from the elevator landing when [redacted] left to return to his dormitory. [redacted] walked past him and there were no visible injuries on him. Deputy Lopez did not tell Appellant he used force on the inmate.

Appellant admitted he escorted inmates to a dormitory room and walked past the wall in front of the control booth where the second assault on [redacted] took place. He recalled Custody Assistant [redacted] was in the control booth, but he did not recall seeing any blood on the wall.

Appellant explained the IAB interview took place two years after the incident and Deputy Lopez was not distinguishable on the video from the other Hispanic deputies who were of similar height and size. Appellant was not a close friend of Deputy Lopez and they did not socialize outside of work. Also, Deputy Lopez usually worked the day shift and only worked the p.m. shift with Appellant when given overtime.

Sgt. Reynolds also interviewed Deputy Meghan Pasos. She confirmed she became aware Deputy Lopez shoved [redacted] head into the wall in front of the control booth. She saw the blood on his face and on his clothing. Deputy Lopez never told her he was taking Ballard out of the dormitory to assault him. She also confirmed Appellant was not present during that physical assault.

Custody Assistant [redacted] was also interviewed. Sgt. Reynolds' investigation report noted the IAB investigators were forced to order her to be present for an interview after

she failed to schedule an interview or contact IAB investigators for approximately one month after being initially advised to contact them for an interview date.

During the interview, she stated she had worked at MCJ for approximately four years and confirmed she was in the control booth at the time of the second incident. She did not recall seeing anyone put paper over the window of the dormitory doors and denied seeing any altercation between a deputy and an inmate that day. She had no recollection of telling inmates inside the dormitory to get on their bunks and to keep their heads down.

Inmates [redacted] and [redacted] were in the dormitory with [redacted] before he was removed by Deputy Lopez. They were interviewed and all confirmed Ms. [redacted] instructed them to remain on their bunks during the physical assault on [redacted]

She also had no recollection of seeing an inmate in the hallway bleeding from the face and did not recall seeing any blood on the wall or bloody clothing on the floor. She did not see a trustee cleaning blood off the wall outside of her control booth. She did not recall seeing Custody Assistant [redacted] that day.

The Department initiated discipline of a ten-day suspension against Custody Assistant [redacted] for failure to perform her duties and failure to report her observations of a use of force by another employee.

However, it was reduced to an Education Based Discipline of a five-day suspension. The five-day suspension would be reflected on her personnel records, but there would be no loss of salary. Instead, she would attend a training session.

During Custody Assistant [redacted] interview, she indicated that on September 27, 2010 she was scanning the bar codes on the dorms of the 5000 floor. Deputy Pasos and Appellant opened the door to the control booth in order for her to enter. She saw [redacted] standing against the wall with Deputy Lopez standing behind him. She noticed [redacted] had a "scratch" on his nose. She denied seeing any blood on the wall in the area where [redacted] and Deputy Lopez

were standing. She also denied seeing any paper covering the dormitory window. She initially saw [redacted] clothing on the floor in front of the control booth, but saw no blood on it. She began kicking the clothing down the hallway because she did not want to touch it. She knew nothing about a physical assault on [redacted]

The Department concluded Custody Assistant [redacted] conduct did not warrant any discipline, and none was imposed on her.

Sgt. Jennifer Ford supervised the use of force training done by the Custody Division. She testified any use of force that is greater than that required for unresisted Department approved searching or handcuffing must be reported. Any use of force that results in an injury or a complaint of pain must be reported.

Sgt. Ford indicated the employee who used force must immediately make a verbal notification to a supervisor. An employee who witnessed, or becomes aware of the use of force, must also immediately advise his or her supervisor.

Deputies receive training on the reporting requirements both during their academy training and during their custody assignment. Department records established Appellant completed force training on numerous occasions during the period 2008 through 2011.

Sgt. Roger Jones was the supervisor of the 5000 floor at MCJ where the incidents with [redacted] took place on September 27, 2010. He was the one who would receive the report by an employee of the use of force. He confirmed he was never notified by anyone of the two incidents involving [redacted]

During questioning, Sgt. Jones indicated that on September 27, 2010 he did not see any blood on the wall in front of the control booth in the location where the second assault on [redacted] took place.

Lt. Jeffrey Cale was assigned to MCJ from June 2008 to May 2009 on the same floor where [redacted] strip search took place. He testified no prior authorization for a strip search was required, and it would not have been odd or suspicious to have a search take place in the elevator landing.

That floor was an exceptionally busy one with a great deal of inmate activity and the landing area would provide more privacy for the search.

Lt. Cale frequently supervised Appellant at MCJ and considered him a very good deputy who performed his tasks well and with little supervision. He had no concerns regarding Appellant's honesty.

Chief David Fender is the head of the Custody Services Division. He was involved in the decision to discipline Appellant. The Chief testified the basis for Appellant's discharge was that he witnessed and failed to report the use of force by Deputy Lopez, and later denied he saw blood splatter on the wall in front of the control booth. The Chief indicated unreported force was considered a very severe violation because during that period the Department was being investigated by the Federal Department of Justice and the Civilian Commission on Jail Violence. There were daily reports in the newspapers and the news media of violence against inmates in the jails. The Department believed appropriate discipline had to be imposed to change the culture that existed within the jail facilities.

The Chief also considered Appellant's false statements an extremely serious violation that reflected negatively on his character and would raise a concern regarding his veracity in future reports he prepared. Appellant's statements that he did not see or know [redacted] was being struck in the elevator landing, and that he never saw any blood on the wall in front of the control booth were not credible statements in light of what could be seen in the video camera footage.

The Chief was aware that Custody Assistant [redacted] was in the control booth when [redacted] face was slammed against the wall. The Chief acknowledged she saw the incident and had the responsibility to report it pursuant to Department policy. The discipline imposed by the Department for that violation of policy was an education-based suspension of five days. No salary was taken from her. Instead, she attended a training session. The guidelines for failing to report force ranged from five days to fifteen days.

According to the Chief, the Department believed discharge was appropriate for Appellant because he not only failed to report the use of force, but also made false statements during the investigation interview.

During questioning, the Chief confirmed [redacted] stated he was not aware whether Appellant observed Deputy Lopez strike him in the elevator landing. He was also aware Deputy Lopez said he did not know if Appellant had seen the force against [redacted] However, after viewing the investigative report and viewing the video footage, the Chief concluded Appellant was not being truthful about his observations.

The Chief was also aware that Custody Assistant [redacted] denied she saw blood on the wall following the second incident and saw no blood on [redacted] clothing as she was kicking his clothing down the hall as shown on the video footage. [redacted] statements she saw no blood and saw no assault on [redacted] by Deputy Lopez were believed and she did not receive any discipline.

DISCUSSION

Statute of Limitations

Appellant raised the affirmative defense that the charges of misconduct are barred pursuant to Government Code Section 3304(d) because he was served with notice of intended discipline more than 30 months following the discovery of the allegations.

The language of the provision specifically states no punitive action shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the misconduct is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegations. However, the code does list situations where the one-year period does not apply. The relevant exceptions in this case are as follows:

1. If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.

2. If the investigation involves more than one employee and requires a reasonable extension.

According to the dates established in this case, the date of the incidents with [redacted] was September 27, 2010. The Department began its internal criminal investigation on September 28, 2010 and it was submitted to the District Attorney's Office. The District Attorney's Charge Evaluation Worksheet dated October 18, 2011 indicated the assault involved minor injuries and did not rise to the level of a felony and the matter was referred to the City Attorney's Office for filing consideration. (Ex. A, p. 2)

The City Attorney's Office forwarded the file to the state Attorney General's Office for filing review on December 7, 2011. At the Attorney General's request for reconsideration, the District Attorney declined to reconsider its decision not to file the case as a felony in a letter dated March 22, 2012. (Ex. A, p. 5)

The Attorney General's Office then returned the file to the City Attorney's Office on April 2, 2012. The City Attorney's Complaint Screening Worksheet dated April 20, 2012 noted any misdemeanor charges were time-barred as of September 27, 2011 and declined prosecution. (Ex. 4, p. 425) The Department closed its criminal file in light of the decision by the three prosecuting agencies not to file charges. The matter was referred to the Internal Affairs Bureau on June 14, 2012.

According to the provisions of the Government Code at issue here, the Department did establish the time period up to April 20, 2012 was tolled due to the time during which criminal investigations were pending. Appellant's argument that no actual investigation was underway by any of the agencies has no legal merit. A prosecuting agency's review of the Department's ICIB case documentation in order to do its own consideration of whether to file charges is an investigation, and that period would fall within the exception of the one-year time period to bring discipline charges by the Department.

In this case, since the time up to April 20, 2012 was tolled, Appellant's receipt of the Department's letter of intent to discipline him on April 8, 2013 would be within the one-year

statutory period. (Ex. 2) Therefore, the argument that the allegations against Appellant were time-barred had no legal merit.

Case Analysis

Appellant has been employed by the Department since September 2007 and has no prior discipline. However, the Department maintained Appellant's discharge was justified due to the incidents involving [redacted] on September 27, 2010. The specific allegations against him were that

(1) He failed to report his observations of a use of force by another deputy to his supervisor.

(2) During his interview by IAB investigators on August 10, 2012, he made false statements including, but not limited to the following:

a. Appellant was unaware of a use of force against an inmate by Subject Lopez, stating, "I was not aware of it" and/or;

b. Appellant did not hear any kind of confrontation take place between Subject Lopez and an inmate and/or;

c. Appellant did not observe and was not aware of a trustee cleaning blood off of a wall and/or;

d. When viewing a videotape depicting himself, Subject Lopez, and a trustee worker, Appellant said he did not recognize the individual (Subject Lopez) depicted on the tape.

The Department concluded Appellant's conduct violated the following relevant policies and procedures:

General Behavior – Section 3-01/030.05

A member shall not act or behave while on or off duty in such a manner as to bring discredit upon himself or the Department.

Performance to Standards – Section 3-01/050.10

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

Obedience to Laws, Regulations, and Orders

Members shall not willfully violate any federal statute, state law or local ordinance. . . Members who violate any rules, regulations, or policies of the Department or the County shall be subject to disciplinary action. . .

Use of Force Reporting and Review Procedures – Section 3-10/100.00

Any use of force which is greater than that required for unresisted Department-approved 1) searching or handcuffing, 2) control holds or come-alongs, or 3) hobbling must be reported. Additionally, any use of force which results in an injury or a complaint of pain must be reported...

As soon as safely possible, members shall make a verbal notification to their immediate supervisor in all cases in which they use reportable force. Members witnessing reportable force used by another Department member or by anyone working with or on behalf of the Department shall similarly advise their immediate supervisor. . .

Making False Statements During Departmental Internal Investigations – Section 3-01/040.75

If requested to make a statement in the course of an official Department internal investigation, members shall make full, complete and truthful statements.

The Department's discipline guidelines pertaining to Appellant's conduct call for a range of discipline from a written reprimand up to and including discharge. (Ex. 3, p. 3)

Conduct	**Discipline Range**
General Behavior	Written reprimand to discharge
Performance to Standards	Written reprimand to discharge
Obedience to Laws, Regulations and Orders	Written reprimand to discharge
Failure to Report Witnessed Use of Force	5 to 15 day suspension
False Statements During Investigation	15 day suspension to discharge

With regard to the incident in the elevator landing, the evidence clearly established Deputy Lopez was the one who struck [redacted] several times because the inmate stole an item from the vendor. There was no evidence Appellant knew an assault would take place. Appellant stated that area provided more privacy for a strip search and he would provide security for Deputy Lopez in the event the inmate became hostile or violent. It was also established the prior approval of a supervisor was not needed to do a strip search, and Lt. Jeffrey Cale testified it would not have been odd to have such a search conducted in that landing area.

The security camera video of the hallway did show Appellant standing in and near the entrance to the elevator landing. He did not appear to be stationary and he is seen at times having his back to the activity taking place inside the landing. Yet, the photographs show that

particular area is not large and there was nothing to obstruct Appellant's view of either the strip search or the strikes on [redacted] The striking of someone's body several times with a fist intended to inflict pain, as described by [redacted] is not something that would be a silent gesture. Appellant's statements that he only heard Deputy Lopez' verbal commands to Ballard for the strip search and was completely unaware an assault took place were not credible.

It was also clear it was Deputy Lopez' idea to do a second assault on [redacted] after he learned of the threat to the female vendor. There was no evidence Appellant knew that assault was going to take place before it happened, nor did he help Deputy Lopez plan it. Deputy Lopez was the one who put paper on the dormitory window and removed [redacted] from the dormitory into the hallway where the attack took place. He was also the one who had the trustee clean up the area after the assault.

The video camera did show Appellant in the area where the assault took place, but he was not present when Deputy Lopez struck [redacted] Later, the video footage did show Appellant standing in front of the wall and motioning with his arms.

The Department concluded Appellant became aware of the second incident and failed to report it as required by Department policy. In addition, Appellant's statements during his IAB interview denying he was aware the trustee was cleaning blood off that wall and he did not recognize Deputy Lopez were considered false statements.

During his appeal hearing, Appellant stated Deputy Lopez was not a regular staff member on his shift and they did not socialize after work shifts. It was also noted that the interview took place two years after the date of the incident. Although he may not have been certain it was Deputy Lopez in the video, on that date Appellant was aware a second assault took place and did not report it.

The Department concluded discharge was the only appropriate discipline. However, that penalty is excessive under the circumstances, in particular given the Department's lack of consistency in discipline with regard to the other employees involved in this case.

According to the Department guidelines, failure to report witnessed use of force has a maximum recommended penalty of 15 days. Making false statements during an investigation may result in discipline of a 15-day suspension up to discharge.

For unexplained reasons, Custody Assistant [redacted] received an extremely lenient penalty. She was employed by the Department about four years when the assaults occurred. Appellant had been employed three years. Neither employee had any prior discipline. Appellant witnessed the assault in the elevator landing and C.A. [redacted] witnessed the assault in front of the control booth. Neither employee reported the use of force.

Appellant and C.A. [redacted] both made false statements during their investigation interviews. Initially, it should be noted C.A. [redacted] was uncooperative with the IAB investigators and had to be ordered to undergo the interview after she ignored their interview request for one month. C.A. [redacted] was in the control booth during the entire time of the second assault. There is a large expanse of glass the length of the entire wall in front of the booth and the wall where Deputy Lopez struck [redacted] was not more than five to six feet in front of that booth glass.

She denied seeing paper on the dormitory window that would have been an obvious way to keep the inmates from seeing anything in the hallway. She denied instructing the inmates in the dormitory to get on their bunks that would make it harder for them to see what was going on in the hallway. Three inmates in the dormitory contradicted that denial.

C.A. [redacted] also denied seeing any altercation between Deputy Lopez and [redacted] and she denied seeing any blood on the wall or bloody clothing on the floor. She denied seeing a trustee cleaning the wall.

The Department initially notified her of its intent to suspend her for ten days for her failure to report the assault and failure to maintain the high standards of the Department. It is difficult to understand why she was being disciplined for a failure to report an assault she consistently denied during the investigation interview ever having seen at all. According to her repeated denials, she saw nothing, said nothing, and did nothing. Obviously, the Department did not believe her denials and those denials would be false statements during her interview.

Even more incredulous was the fact that the Department then reduced her discipline to a five-day Education Based Discipline so that she would have no loss of income and only had to attend a training session. Her conduct is similar to that of Appellant in that she witnessed a use of force, never reported it, and made false statements during an interview. Yet, she received an extremely lenient discipline and Appellant was discharged.

Custody Assistant [redacted] was in the area of the second assault and is seen on the video kicking [redacted] clothing on the floor down the hallway. Other witnesses described that clothing as having blood on it. During her interview, she denied seeing any paper covering the dormitory window, never saw any blood on the wall or on [redacted] clothing, and stated she saw only a scratch on [redacted] face as he was standing against the wall. C.A. [redacted] received no discipline from the Department.

It is true that a sworn officer is held to a higher standard by the Department. However, Appellant's conduct is indistinguishable from that of C.A. [redacted] and there is no sound basis why Appellant should be discharged and she goes to a training session. She had the same obligation to report witnessing a use of force and to make truthful statements during her interview.

It is also important to note that Appellant had an excellent work history [redacted] that was consistent with the core values promoted by the Department. (Ex. E)

[redacted]

[redacted]

Appellant does deserve discipline for his failure to report the assaults and his false statements during the interview. However, as reflected in the performance evaluations and commendations, it is evident his conduct on that one day was an isolated incident not consistent

with his character or work ethic. There was no evidence he had a history or pattern of abusive conduct or prior instances of inmate mistreatment. His discharge for one instance of poor judgment is not appropriate, in particular in light of the lenient discipline imposed on C.A. [redacted]

I am well aware that the Department is now trying to change the "culture" of its employees in the jail facilities and is under immense public and legal scrutiny regarding the treatment of inmates. Based on the comments on his evaluations by superiors both before and after this event, it appears Appellant will fulfill his duties in a professional and humane manner. It is unlikely he will engage in similar conduct in the future. Accordingly, the Department's decision to discharge Appellant should not be sustained.

However, the appropriate discipline in this case is a suspension of thirty days. In addition, he is not to receive any back pay from the date following the completion of the 30-day suspension period until the final decision by the Civil Service Commission has been rendered.

FINDINGS OF FACT

1. Appellant began his employment with the Department in September 2007. At the time of his discipline, Appellant was a Deputy Sheriff assigned to Men's Central Jail ("MCJ").

2. On September 27, 2010, inmate [redacted] stole an item from a vendor. It was reported to Deputy Omar Lopez. Deputy Lopez and Appellant took [redacted] to an elevator landing, an area that is out of the security camera view. Deputy Lopez struck [redacted] in the face and several times in the ribs and then conducted a strip search for the stolen item. Appellant positioned himself near the landing entrance to provide security for Deputy Lopez. There was no evidence Appellant knew an assault would take place, but he became aware the physical assault occurred. Deputy Meghan Pasos was also in the hallway area when the assault took place.

3. Department policy requires an employee who engaged in the use of force, or who was a witness to the use of force, to immediately report the incident to a supervisor. Appellant failed to report the assault on [redacted]

4. Shortly after the assault, [redacted] threatened the vendor because she reported the theft. Deputy Lopez was informed of that threat. He went to the dormitory where [redacted] was housed and put paper on the window of the dormitory door. He removed [redacted] from the dormitory and had him face the wall that was directly in front of the control booth staffed by Custody Assistant [redacted] She instructed the inmates in the dormitory to get on their bunks so they would not see what would take place in the hallway.

5. Deputy Lopez pushed [redacted] face against the wall causing him to bleed from his nose and lip. There was blood on the wall, floor and on [redacted] clothing. Deputy Lopez returned [redacted] to his dormitory and instructed trustee [redacted] to remove the blood from the wall and floor. Custody Assistant [redacted] arrived in the area and removed [redacted] soiled clothing by kicking them down the hallway.

6. Appellant was not present during the second assault incident, but is seen on the video as he arrived in the area where he stood in front of the wall where [redacted] struck his face. Appellant is seen on the video standing with Deputy Lopez and motioning with his arms as he looks at the wall.

7. The Department began an internal criminal investigation of the events with Deputy Lopez, Deputy Pasos and Appellant as the subjects. The Department's case was reviewed for possible criminal charges by the District Attorney's Office, the City Attorney's Office and the state Attorney General's Office, all of whom declined it for prosecution. Their investigation into possible prosecution tolled the statutory period pursuant to Government Code Section 3304(d) until April 20, 2012. Appellant's notification on April 8, 2013 of the intent to discharge him fell within the one-year statute of limitations period and was not time-barred.

8. During the Internal Affairs Bureau interview on August 10, 2012, Appellant made false statements regarding his knowledge of the assaults on Ballard by Deputy Lopez. When shown video tape footage of himself and Deputy Lopez in the area of the second assault, Appellant falsely stated he did not recognize the deputy shown on the footage.

9. Custody Assistant [redacted] was in the control booth the entire time the second assault by Deputy Lopez took place. That assault took place about five to six feet directly in front of the control booth. During her IAB interview, she denied any knowledge of the assault; she denied seeing an inmate with blood on his face; she denied seeing paper on the dormitory door window; she denied instructing the inmates to get on their bunks, a statement contradicted by three inmates; she denied seeing any blood on the wall that was directly in front of her control booth; and she denied seeing the trustee clean any blood from the wall and floor.

10. C.A. [redacted] was a four-year employee of the Department at that time. She was familiar with the requirements for reporting the witnessing of the use of force. She failed to report the incident to her supervisor. The Department's initial discipline for her failure to report the incident was a suspension of ten days. That proposed discipline did not include an allegation that she made false statements during the investigation. She ultimately received an Education Based Discipline of a five-day suspension. There was no loss of salary for that period; instead, she attended a training session. Custody Assistant [redacted] received no discipline.

11. Appellant has no prior discipline and received ratings of "Very Good" in the performance evaluations for the period February 2009 through February 2012. On October 13, 2010, one month after the [redacted] events, Appellant received a commendation from the Captain of MCJ for assisting an inmate who was experiencing severe seizures. Appellant received a commendation on July 15, 2010 for his response to a potential major inmate disturbance at MCJ.

12. Appellant's discharge was effective April 29, 2013.

CONCLUSIONS OF LAW

1. The Department did not violate Appellant's rights pursuant to Government Code Section 3304(d). The Department's case against Appellant was not time-barred and was commenced within the statutory one-year period.

2. The Department met its burden of proof that the allegations contained in the Department's letter of June 27, 2013 were true.

3. The Department failed to meet its burden of proof that Appellant's discharge was appropriate.

4. The appropriate discipline is a suspension of 30 days. In addition, Appellant is not to receive any back pay from the date of the completion of the 30-day suspension until the date the Civil Service Commission renders its final decision in this case.

RECOMMENDATION

It is respectfully recommended that the Civil Service Commission not sustain Appellant's discharge and reduce his discipline to a suspension of 30 days with no back pay from the date that suspension is completed until the date the Civil Service Commission renders its final decision in this case.

December 15, 2014.

I. P. Ayala

IRENE P. AYALA
Hearing Officer



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

December 21, 2016

RECEIVED DEC 27 2016 ADVOCACY UNIT

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***MEGHAN PASOS*** *for a hearing on her* ***discharge****, effective May 7, 2013, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 13-241**.

The Civil Service Commission, at its meeting held on December 14, 2016 approved findings in the above-entitled case. The petitioner's objections were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Meghan Pasos
Emily Suhr
Peter Bollinger
Aubrey Ellis

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

*In the matter of the **discharge**, effective May 7, 2013, from the position of Deputy Sheriff, Sheriff's Department, of* **MEGHAN PASOS** **(Case No. 13-241)**	))))))))	ORDER OF THE CIVIL SERVICE COMMISSION

On December 14, 2016, the Civil Service Commission of the County of Los Angeles overruled the Petitioner's objections. The Commission adopted as its final decision, the findings and recommendation of the Hearing Officer, Aubrey Ellis, to sustain the Department.

Dated this 21th day of December, 2016.

Z. GREG KAHWAJIAN, President

DENNIS F. HERNANDEZ, Member

NAOMI NIGHTINGALE, Member

STEVEN AFRIAT, Member

JOHN DONNER, Member

LOS ANGELES COUNTY CIVIL SERVICE COMMISSION

In the Matter of the Appeal of **MEGHAN PASOS** Employee/Appellant And **LOS ANGELES COUNTY SHERIFF'S DEPARTMENT** Department/Respondent	Case No. 13-241 PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

APPEARANCES

For the Appellant:	Audra C. Call, Esq. Green & Shinee, A.P.C Attorney at Law 16055 Ventura Boulevard, Suite 1000 Encino, CA 91436
For the Respondent:	Catherine M. Mathers, Esq. Collins Collins Muir + Stewart 110 El Centro Street South Pasadena, CA 91030
Hearing Officer:	Aubrey C. Ellis
Court Reporters:	Mini Murray; Maxine Millier; Ernalyn M. Alonzo; and Claudette A. Henry
Hearing Dates:	January 23, 201; April 27, 2015; September 3, 2015; and October 19, 2015

ISSUES

There were two issues ultimately certified by the Commission concerning this case that were to be addressed during the Hearings:

First, on July 17, 2013, the Commission initially defined the issue to be addressed during a hearing on this matter as:

1. Are the allegations in the Department Letter of May 13, 2013 true?

2. If any or all are true, is the discipline appropriate?

Second, on February 11, 2014, in response to the Appellant's Petition to the Commission that there was a Police Officer Bill of Rights (POBR) "threshold" violation that needed to be reviewed and addressed first, on April 9, 2014, the Commission also certified the following as an issue that was first addressed by this Hearing Officer before accepting evidence related to the May 13, 2013 Discharge issue:

1. Was there a violation of the Public Safety Officers Procedural Bill of Rights Act Act (POBR), Government Code Section 3304(d)?

2. If so, what is the appropriate remedy?

EXHIBITS AND WITNESSES

Appellant (AE=Appellant Exhibit):

A. Copy of Letter from Shannon Presby of JSID to Appellant's Attorney

B. Copy of LA Sheriff's Department Guidelines for Discipline- December 14, 2009 to present.

C. Copy of 2010 Redacted Sheriff's Department's Letters of Intent to Suspend for related offenses to those Appellant is charged with

D. Copy of 2013 Redacted Sheriff's Department's 2011 Letters of Intent to Suspend for related offenses to those Appellant is charged with

E. Copy of 2014 Redacted Sheriff's Department's Letters of Intent to Suspend related offenses to those Appellant charged with

F. Copies of Appellant's 2009 thru 2010 Performance Evaluations Commendation.

Respondent (RE=Respondent Exhibits)

1. Copy of April 2, 2013 Respondent's Disposition Memo;
2. Copy of April 8, 2013 Respondent's Letter of Intent Notice to Appellant;
3. Copy of May 13, 2013 Respondent's Letter of Discharge to Appellant's
4. Copy of LASD's Internal Affairs Bureau's Investigation Documents; pages 1-494

WITNESSES

A. For the Respondent

1. Chief David L. Fender, Decision-Maker
2. Sergeant Jennifer Ford, Custody and Use of Force Trainer
3. Sergeant Robert Jones, Appellant's Pasos Floor Supervisor Date of Incident
4. Sergeant Fred Reynolds, LASD's Internal Affairs Bureau (IAB) Investigator

B. For the Appellant

1. Sergeant Eric Cheatham, Ex-Supervisor and Character Witness
2. Meghan Pasos, Appellant
3. Sergeant Fred Reynolds, LASD's Internal Affairs Bureau (IAB) Investigator

BACKGROUND

On September 27, 2010, the Appellant was involved in an incident that lead to Appellant being "relieved "of her duties as a Deputy Sheriff on October 4, 2011 and Discharged on May 7, 2013 for violation of Respondent's rules and expectations by failing to report an assault by a fellow Officer co-worker on an Inmate as well as failing to seek medical help for the injured inmate.

In response, on May 22, 2013, Appellant filed her Appeal letter with the Los Angeles County Civil Service Commission concerning her discharge and a hearing was held by the Commission on July 17, 2013.

As a result of the hearing with the Commission, on July 17, 2013 and the approval of a hearing issue involving the discharge, the first hearing was conducted by this Hearing Officer on January 23, 2014 where the Appellant Representative indicated that there was a POBR issue concerning Section 3304(d) and time limits.

On February 11, 2014, the Appellant filed a Request to Certify Additional Issues with the Commission and on April 14, 2014 the Commission meets and certifies an additional issue involving the POBR Section 330d (4) notice requirements.

On April 27, 2014 the POBR issues are presented by the Appellant to this Hearing Officer and the Respondent is permitted to respond. Both parties filed hearing briefs on the issue.

EVIDENCE

Burden of Proof and Standards of Evidence:

POBR violation issue: It was noted for the record at the beginning of the First Hearing Day and the Parties were informed by the Hearing Officer that since this Appeal now involved the Appellant's allegation of POBR Section 3304(d) violation, the Appellant had to return to the Commission to get the issue certified and if certified, they would have to bear the Burden of Proof as well as the Standard of Evidence required is by a Preponderance of the Evidence. Skelly vs. State Personnel Broad (1975) (15 Cal. 3rd 194}

Discharge Appeal: The parties were also advised that as far as the Discharge, pursuant to Civil Service Rule 4.12 which states that in matters such as this action, the Respondent/ Department shall bear the Burden of Proof as well as the Standard of Evidence required is by a Preponderance of the Evidence. Skelly vs. State Personnel Broad (1975) (15 Cal. 3rd 194)

DISCUSSION

The evidence presented by the Respondent in both Exhibits and Witness testimony, including the Appellant's testimony clearly confirmed that the Appellant was aware at the time of the event of the Respondent's rules, policies and procedures concerning the reporting of unauthorized use of force on inmates.

The consequences, if any, associated with other criminal investigation responsibilities such as the District Attorney Offices actions and failures to abide by the tolling regulations for the Respondent is not expressly noted or addressed in the language of the POBR Section 3304(d).

As a result, it was determined that such a restriction did not apply in this case.

FINDINGS OF FACT

1. Appellant was hired on June 24, 2007 as a Deputy Sheriff for the Los Angeles County Sheriff's Department

2. On September 27, 2010, while assigned to the 5000 Floor of the Los Angeles Men's Central Jail, Appellant not only saw the results of her co-worker's unauthorized use of force on an inmate, but was also told by said co-worker.

3. The unauthorized use of force incident occurred and was observed by Appellant around 7:30 p.m., the shift for the Appellant and her shift partner who committed the use of force ended at approximately 10:00 p.m. leaving approximately two and a half hours either party could have informed their supervisor of this event.

4. Despite being aware of the Respondent's policies and reporting requirements and procedures, the Respondent intentionally chose not to report the incident to her Supervisor although she testified that she told her co-worker to report the incident to their Supervisor

5. Despite the Respondent's policies and procedures concerning matter such as this, the Appellant also failed to seek medical attention for the injured inmate.

6. On September 28, 2010, after the Inmate's injuries were discovered and reported by the next shift personnel, the Respondent's investigation unit, transferred Appellant's case to the County District Attorney's Office for possible criminal violations and action.

7. On June 14, 2012, approximately 2 ½ years after discovering the violation by Appellant, the County District Attorney's Office remanded the case back to the Respondent for administrative action since any time limits for possible criminal violations had expired.

8. On August 10, 2012, the Appellant was interviewed by the Respondent's Internal Affairs Bureau with her Attorney

9. On April 8, 2013, Appellant was issued her Notice of Intent to Discharge by the Respondent

10. On April 29, 2013, Appellant's Skelly Meeting was conducted by then Commander now Chief Fender

11. On June 13, 2013, Appellant was discharged

12. Although approximately 2 ½ years had passed since the Respondent had become aware of the potential violation (2010) and when the issue was referred back to the Respondent's Internal Investigation Bureau for administrative action (2012), the POBR's tolling period did not restart for the Respondent until June 14, 2012.

13. Based upon my review of the facts, evidence and briefs submitted on this matter by both parties, there has been no violation by the Respondent in relation to the POBR's Statute of Limitations and its Tolling exceptions outlined in Government Code Section 3304(d.2) because the facts clearly established that once the Respondent had transferred the case to the City District's Attorney 's Office, it did not have any control or authority over the decision making and/or criminal

investigation conducted by either the District Attorney, City Attorney or State Attorney General Offices.

14. While under oath and on direct and cross-examination the Appellant revealed that the primary reasons why she had decided not to report her observations and knowledge as a result of the co-worker's admission was the fact that she was also concerned about being considered a "rat" or "snitch" by her co-workers and the impact that may have on relationships with her co-workers and shift partner. Department Exhibit 4 -101.

15. Appellant's actions was clearly a discredit to the Department as well as presented potential legal actions.

16. The Respondent has met its burden in providing evidence that the Appellant violated the Respondent's following Policies and Procedure Manual: Section 3-01/030.05: General Behavior; Section 3-01/050.10: Performance to Standards; Section 3-01/030.10: Obedience to Laws, Regulations and Orders; Section 5-09/430.00: Use of Force Reporting and Review Procedures (revised to 3-10/100.00); and Section 3-01/040.97; and Section 3-01/040.97: Safe Guarding Persons in Custody.

17. Based upon the exhibits and testimony, it is clear that the Appellant's behavior in this matter was so egregious that it merited the highest level of discipline available. Department Exhibit 4-101.

CONCLUSIONS OF LAW

1. Pursuant to CSR 4.12 - The Respondent has met its burden of proving by a Preponderance of the Evidence that the allegations contained in the Respondent's Letter of May 13, 2013 are true.

2. The Respondent has also met its burden in providing that the discharge is appropriate.

RECOMMENDATIONS

It is recommended that the Respondent be sustained in the discharge.

Date: April 12, 2016

Respectfully Submitted by [signature]

Aubrey C. Ellis
Hearing Officer



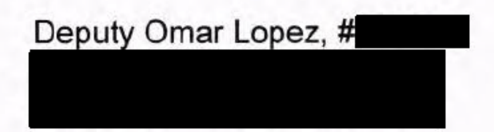
County of Los Angeles

Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

May 10, 2013



Deputy Omar Lopez, #[redacted]
[redacted]

Dear Deputy Lopez:

On April 8, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2274545. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on May 7, 2013.

An investigation under File Number IAB 2274545, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual Sections 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 3-01/3-01/050.10, Performance to Standards, Performance to Standards; and/or 3-01/025.10, Unreasonable Force (Revised to 3-10/030.00); and/or 3-01/040.97, Safeguarding Persons in Custody; and/or 5-09/430.00, Use of Force Reporting and Review Procedures (Revised to 3-10/100.00); on or about September 27, 2010, you failed to conform to the work standards established for your position when you assaulted an inmate, utilizing force that was unnecessary and/or

excessive given the inmate's behavior and the totality of the circumstances presented, including your own statements that you "jabbed him once on the side" because the inmate tensed up, and that you put your right hand on "the back of his head. And him being so close to the wall I end up shoving him to the wall." Your use of force caused significant injuries to the inmate, and you thereafter failed to seek medical attention for the inmate's injuries. You failed to report your use of force to a supervisor. Your actions have brought discredit upon yourself and the Department.

2. That in violation of Manual Sections 3-01/040.65, Tampering with Evidence; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; on or about September 27, 2010, you altered, destroyed and/or discarded evidence of your assault when you had the inmate change out of his blood soaked clothing and discard it in a trash receptacle, and had another inmate clean the floor and wall of blood stains.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

David L. Fender

DAVID L. FENDER, A/CHIEF
CUSTODY DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

DLF:AEA:md

c: Advocacy Unit
David L. Fender, A/Chief, Custody Division
Ralph G. Ornelas, Captain, Men's Central Jail
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

June 27, 2013

Deputy Mark Montez #[redacted]
[redacted]

Dear Deputy Montez:

On April 8, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2274545. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on June 27, 2013.

An investigation under File Number IAB 2274545, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or 5-09/430.00, Use of Force Reporting and Review Procedures (Revised to 3-10/100.00); on or about September 27, 2010, you failed to conform to the work standards established for your position when you failed to report your observations of a use of force by another deputy to your supervisor. Your actions have brought discredit upon yourself and the Department.
2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, False Statements During Departmental Internal Investigations on or about August 10, 2012, you made false

and/or incomplete statements during a Department investigation including but not limited to the following:

a. you were unaware of a use of force against an inmate by Subject Lopez, stating "I was not aware of it" and/or;

b. you did not hear any kind of confrontation take place between Subject Lopez and an inmate and/or;

c. you did not observe and were not aware of a trustee cleaning blood off of a wall, and/or;

d. when viewing a videotape depicting yourself, Subject Lopez, and a trustee worker, that you did not recognize the individual (Subject Lopez) depicted on the tape.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

David L. Fender

DAVID L. FENDER, CHIEF
CUSTODY DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

DLF:RAA:AEA:md

c: Advocacy Unit
David L. Fender, Chief, Custody Division
Ralph G. Ornelas, Captain, Men's Central Jail
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

May 13, 2013

Deputy Meghan Pasos, #[redacted]

Dear Deputy Pasos:

On April 8, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2274545. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on May 7, 2013.

An investigation under File Number IAB 2274545, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.10, Performance to Standards; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders; and/or Section 5-09/430.00, Use of Force Reporting and Review Procedures (Revised to 3-10/100.00); and/or 3-01/040.97, Safeguarding Persons in Custody; on or about September 27, 2010, you failed to conform to the work standards established for your position when you failed to report your observations of a use of force by another deputy to your supervisor, despite observing that the inmate was bleeding from the nose and Deputy Lopez'

statement to you, "I shoved his head into a wall." You failed to report the use of force and explained such failure as, "I just honestly wanted to close my eyes and act like I didn't see..." Furthermore, despite observing that the inmate was bleeding and in obvious need of medical attention, you failed to seek medical care and/or ensure that medical care was sought for the inmate. Your actions have brought discredit upon yourself and the Department.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

David L. Fender

DAVID L. FENDER, ACTING CHIEF
CUSTODY DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

DLF:AEA:md

c: Advocacy Unit
David L. Fender, Chief, Acting Chief, Custody Division
Ralph G. Ornelas, Captain, Men's Central Jail
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration